

# **SOUTH DAKOTA**

**A REPUBLIC OF FRIENDS**



**BY**

**WILLIS E. JOHNSON**



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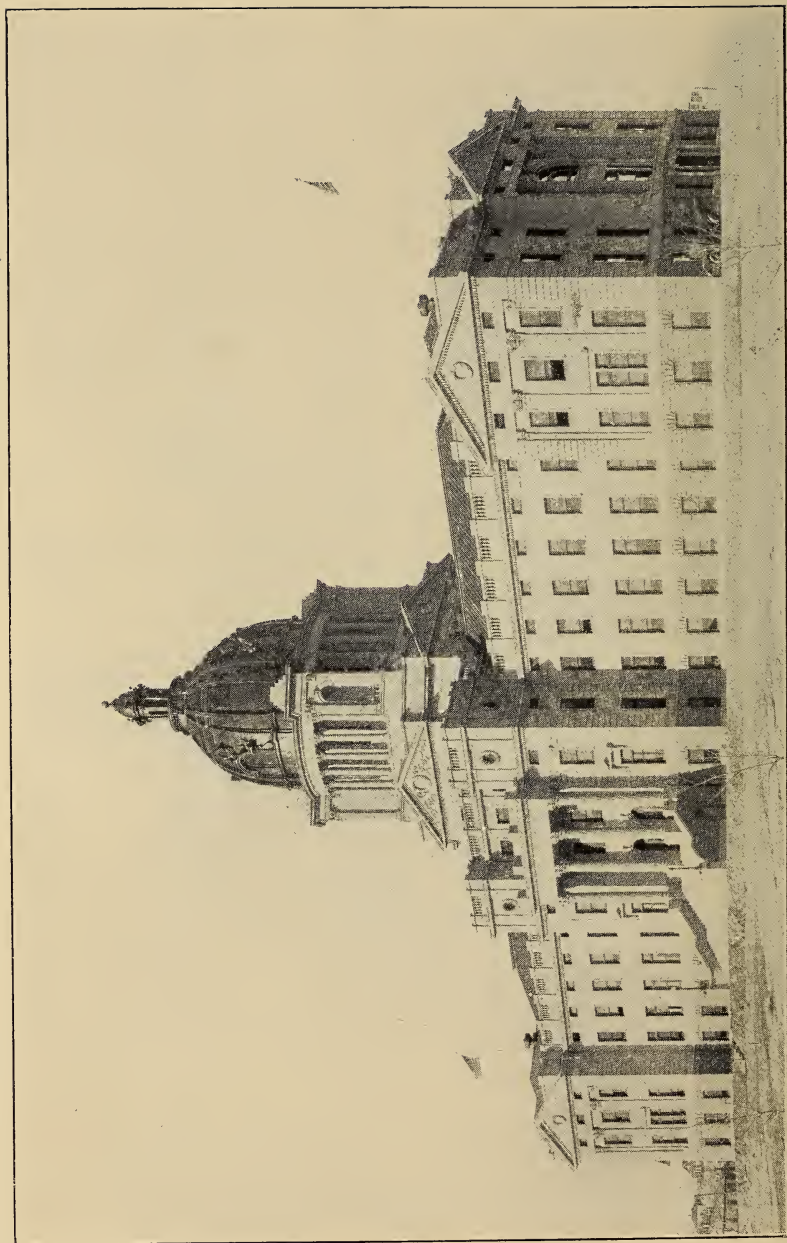


Fig. 1. STATE CAPITOL, PIERRE.



# SOUTH DAKOTA

A  
REPUBLIC OF FRIENDS

BY

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*In proportion as the structure of government gives force to public opinion, it is essential that public opinion should be enlightened.*

—WASHINGTON, *Farewell Address.*

## PREFACE.

This book is written for the boys and girls of South Dakota. It is the burning desire of the author to quicken their interest in the commonwealth and to stimulate a healthy and intelligent patriotism. Training in the three R's is imperative, since they are the keys to all learning and culture, but it should be remembered they as readily unlock all doors of vice. Training for industrious, co-operative and intelligent citizenship is the true purpose of education, for the school exists as an instrument of society to preserve its ideals and processes by transmitting them to succeeding generations. To be sure these are taught in the home, the business world, the church and the government, but the school is created by society for this special purpose; it is society's supreme effort to preserve its own life.

The school must give that preparation for the activities of civilized life which the child would not readily acquire in the school of life itself. In haphazard contact with community and civic life the child will learn many valuable lessons in patriotism and in domestic, economic, religious and civic duty. But if we expect that these incidental, and often, accidental, lessons will constitute sufficient training for the child so that in maturity he may play a man's part in a world of men, we are doomed

to disappointment. Society looks to the school to give definite training for citizenship. The school must instill ideals of civic righteousness and cultivate habits of social service, for these alone insure the perpetuity and progress of an enlightened democracy.

Social life in this generation is rapidly passing into a stage where the community restraints of the face-to-face group are much less powerful than formerly because of the fact that people no longer live their whole lives in the same community. One has but to notice his own tendency to carelessness when away from home and among strangers to appreciate the omnipresent force of community restraint. Modern freedom, intelligence, prosperity and easy means of transportation have broken up the fixed social relations which characterized past civilizations. With the rapid weakening of the restraining influences of the permanent community life there must be a corresponding strengthening of character or there will be a moral decadence. As the group control lessens, the moral fibre of the individual must strengthen. The modern social life requires a finer sort of patriotism and character, for many a man's rectitude of life is due as much to the public opinion of his group as to his own self-control. The soldier on the field of battle is very brave, but the one who is true and faithful in the midst of temptation when the eye of the public is not upon him is vastly braver. A higher type of citizenship must be developed if the higher form of civilization is to be preserved. The loftiness of the ideals of modern life and the complex and changing character of the activities and culture of our day and age, place newer and greater responsibilities upon the school.

Any society stamps its character upon its schools. Society creates the school in its own image. As the schools of ancient Sparta were the barracks, and those of



Rome were the forum, so the American public school is a miniature democracy, putting into practice the principles of industry, virtue, justice, equality and fraternity. The thoughtful teacher has abundant opportunity in the administration of the democracy of school life to instill lasting lessons in citizenship. The child who has learned to restrain his caprice for the good of the group and cheerfully conform to law has learned the first lesson in true patriotism. In opening or general exercises, in assigning committed productions, readings, essays and language lessons and in other ways there are countless opportunities to cultivate an interest in public affairs.

Every subject in the course of study and every activity of the school room and playground may lend direct assistance in training for intelligent and helpful participation in social life. But just as physiology and hygiene are the best public school studies by which individual health is conserved, so civics is the study which is most valuable for the conservation of civic and social health. The author keenly realizes that civics should be more than a study of governmental processes, just as citizenship should be more than simply intelligent conformity to law. But while we have the democracy of industry, of domestic, educational, fraternal and religious life, democracy in government is the supreme manifestation of civic life. This book, therefore, is concerned mainly with the study of the governmental institutions and activities of South Dakota and of the nation. Whatever may be its defects and limitations, the animating purpose of the author is that it may be of some value in raising the boys and girls of this commonwealth to a higher plane of citizenship.

Among the devices which make for social solidarity the slogan of the group plays an important part. "American blood has been shed upon American soil," "England

expects every man to do his duty," "Honest money," "The cross of gold," have been party or martial mottoes that have united and inspired to group patriotism and action. Can we not consciously apply these simple principles of social psychology to more lasting social benefit? Will not the children of this state receive an uplift if they repeat over and over, "South Dakota, a Republic of Friends," "South Dakota, the Sunshine State," "Under God the People Rule"? The state song, composed for the children of South Dakota, sets these slogans to a simple and easily learned melody and it cannot be sung too often or too heartily.

The word "Dakota" means "A Republic of Friends." Will it not become more and more such a republic in fact if the children are taught over and over what that name signifies? When Dakota Indians meet they greet each other in soft accents, "Ko-dah," or "Ko-lah," that is, "Friend." They proudly call themselves "Dah-ko-tahs." No more honest and upright class of primitive people ever were found, and none, when educated, show more splendid intellect and character. May not the minds and hearts of the latest Dakota children be inspired by such wholesome and pleasing sentiments in association with their common name? When alone and lonely in the midst of a great busy city, the author was once pleasantly accosted by a stranger, who, recognizing the writer and extending a cordial hand, with a smile said, "Dah-ko-tah." It was a pleasing, heart-warming greeting. What's in a name? Why, whatever meaning we put into that name. May the teachers of this great state help the children to make Dakota in reality what it is in name, *a republic of friends*.

That the book is easily within the comprehension of eighth grade pupils has been shown in the fact that nearly every portion of the manuscript has been under-

standingly read and recited upon by seventh and eighth grade pupils in the practice department of the Northern Normal and Industrial School, or in town and rural schools of the state. The order of topics in the book has been changed somewhat to accommodate it better to the new state course of study.

The author wishes to thank those teachers who have used various portions of the manuscript of the text in their schools and have given him many helpful suggestions. He is under a special debt of gratitude for the clear insights, friendly counsel and inspiring co-operation of President George W. Nash, whose splendid career in South Dakota as college professor, Superintendent of Public Instruction and President of the Northern Normal and Industrial School, makes his criticism exceedingly valuable for a work of this character. The author is grateful to Secretary Doane Robinson, of the State Historical Society, for much data; to Judge J. H. McCoy, of the Supreme Court, and Judge Frank McNulty, of the Circuit Court, for numerous suggestions on legal procedure; to Director S. W. Glenn, of the United States Weather Bureau, for his careful and painstaking verification of all of the data on climate; to Professor J. E. Todd, former State Geologist; Professor E. C. Perisho, State Geologist, and Professor C. C. O'Harra for corrections and suggestions on the geography of the state; to Miss Ida B. Moore, of the Northern Normal and Industrial School, for many suggestions of a literary character. He wishes to extend grateful acknowledgment for the co-operation and inspiration he has received from Governor Robert S. Vessey and all of the former governors now living—Andrew E. Lee, Charles N. Herreid, Samuel H. Elrod and Coe I. Crawford; from Superintendent of Public Instruction C. G. Lawrence and all of the former superintendents now living—W. H. H. Beadle, Frank Crane, E. E. Col-

lins, G. W. Nash, M. M. Ramer and H. A. Ustrud; from C. E. Swanson and J. Fred Olander, formerly connected with the Department of Education, and from many of the county superintendents and members of the legislature. He is under a special debt of gratitude to former Governor William Jayne for the inspiring message which he has written for this book. He wishes also to acknowledge the counsel and help he has received from Mr. Edward T. Taubman. The splendid index is the painstaking work of the author's son, Willis Leslie Johnson. While recognition is gladly extended to the persons mentioned and to many others, the author assumes complete responsibility for any errors or other defects in the book.



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## A PLAN FOR STUDY

### A South Dakota Scrap Book

It is suggested that every pupil studying this book in the seventh or eighth grade, make a scrap book on South Dakota, its geography, civics and history. A loose-leaf note book answers the purpose splendidly. If one cannot be purchased it can be made by the pupil very easily from any good-sized old book. A few pages should be cut out here and there to make room for the articles and pictures pasted in. A very good paste may be made by wetting a little flour in cold water, then letting it boil until it thickens. When cold, stir in a few drops of formaldehyde and the paste will not get mouldy. A few drops of essence of peppermint will give it an agreeable odor.

Watch the newspapers and magazines for articles about South Dakota, or some portion of it. Clip these out and neatly paste them in the scrap book. Put in pictures of state and county officers, court houses, the capitol building, public school buildings, the buildings at the state university and colleges and normal schools of the state, prominent educators and others who are engaged in notable or public work in the state. A few scenes representing different portions of the state, occupations and industries may be added. There should be included some of the maps, charts and diagrams made by the pupils as suggested in this book. When finished, an index should be carefully made. If the scrap book is presented at the time of the county eighth grade examination, it will certainly receive some consideration, and the best ones may be sent to the state fair.

## Essays

One essay each month should be written on some topic of interest on government or community life. In no case should the essay be written until the pupil has made some observations or done some reading on the subject and has something to say. A few topics are here suggested.

**Visits.** A visit: to a court house, to a postoffice, to a park, to a county fair, to a football game, to a college or normal school, to a farmers' institute, to a teachers' institute, to a picnic, to a newspaper office, to a telegraph office, to a hospital.

**How Some Things Are Done.** How men vote. How mail is sent. How roads are repaired. How taxes are collected. How a deed is written and recorded. How contracts are made. How candidates are nominated. How a silo is made. How disease is spread.

**Needs.** The need: for good roads, for rural telephones, for groves, for a public hall, for literary societies, for good health, for skating ponds, for taxation, for a beautiful school room, for ventilation in school, church and home.

**Other Topics.** Our debt to the pioneer. Prevention of accidents. First aid to the injured. The care of the teeth. Home life in the city compared with home life in the country. Country sports and city sports. When grandma was a girl. When grandpa was a boy. A talk with the oldest settler. Some good habits and some bad ones. Cheerfulness. What I want to be when a man. The games I like to play.

## A Flag Salute

The flag salute, which is used in most schools of this country, is given as follows: At a signal from the teacher



every pupil stands erect and faces the flag, which is usually draped on the wall back of the teacher's desk. At another signal, generally made by raising the hand, the military salute is given by the pupils. This is made by lifting the right hand, palm downward, the forefinger touching the forehead above the eye. Standing thus, all repeat together slowly:

"We give our heads and our hearts to our country; one country, one language, one flag."

At the words, "our hearts," the right hand is placed over the heart, then placed at the side. At the words, "one flag," the right hand is extended gracefully, palm upward, toward the flag, all eyes being directed toward it.

Another flag salute is given as follows: "I pledge allegiance to my flag and the Republic for which it stands; one nation, indivisible, with liberty and justice for all." At the words, "to my flag," the hand is extended toward the flag and remains in this position until the end.

A pleasing variation is made sometimes by giving the "silent salute." The pupils form in a line, or in two lines, facing each other. The flag is then carried in front of the line, or between the lines, and the hands remain at salute until the flag has been placed in its position, when, at a signal from the teacher, every hand is dropped.

Springfield, Illinois,  
April 5, 1911.

Professor Willis E. Johnson,  
Northern Normal and Industrial School,  
Aberdeen, South Dakota.

My dear Sir:

Half a century ago I was sent by President Abraham Lincoln to organize the territorial government of Dakota, which then comprised a vast extent out of which four states have been created. These states, by reason of their healthfulness, material prosperity, general intelligence, and educational advantages, take equal rank with the most favored states of the whole Union.

After travelling over the vast prairies of that land, which had been marked in school maps as the "Great American Desert," I thought I could see what was to be in the future, as the white settler came to make a home and build a great civilization in the place to be left by the retreating footsteps of the Indian and buffalo.

To the boys and girls of your great commonwealth I wish to extend my congratulations upon their having homes in a land of freedom and plenty. May they be inspired by the sacrifices which others have made for their welfare; may they be grateful to almighty God for their abundant blessings; and may they grow up to be citizens who are worthy of such a country and such a civilization.

"South Dakota, A Republic of Friends!" Surely this is an inspiring name for a book for these young people. After fifty years of watching the growth of your territory and state, I wish to say that my last wish for her will be that she may soon become what her name signifies, "a republic of friends."

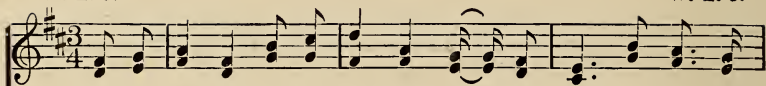
*William Jayne*



# SOUTH DAKOTA

W. E. J.

W. E. J.



1. South Da - ko - ta, land of sun-shine, Un - der God the peo - ple
2. South Da - ko - ta, land of plen - ty, To health and wealth the o - pen
3. South Da - ko - ta, land of vir - tue, May this no - blest ti - tle



rule; Thee we love and all thy bless - ings, Home and  
door; Land of fer - tile plain and prair - ie, Moun - tains  
crown; That the lav - ish gifts of na - ture Meas - ure



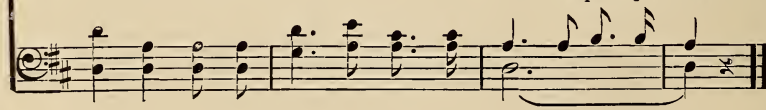
CHORUS.



state, and church and school.  
filled with gems and ore. South Da - ko - ta, land of  
man - hood's true re - nown.



sun-shine, Un - der God the peo - ple rule.....  
the peo - ple rule.





# PART I. SOUTH DAKOTA GEOGRAPHY AND HISTORY

## CHAPTER I

### INTRODUCTION

**South Dakota.** "A Republic of Friends." The name Dakota is derived from the Indian word "Koda" or

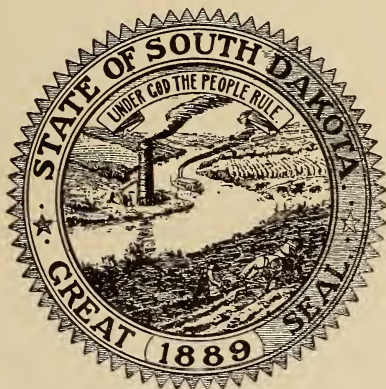


Fig. 2. State Seal.

"Kola," which means "friend." Dakota, in the language of the Indians who call themselves by that name,\* means,

\*There were seven allied tribes who called themselves by this name. The term "Sioux" is also applied to them and to many other Indians, but its meaning is exactly opposite. The early French explorers asked the Chippewas what Indians lived west of them and they replied "Naduwestsi," meaning "the enemy." The French wrote the word down as the name of the Indians and spelled the plural of it "Naduwestsioux." This word became abbreviated to "Sioux." The Dakotas do not like to be called Sioux, and no wonder they prefer their own splendid name.

in a general way, an alliance, league, or republic of friends. What a splendid name for a commonwealth! May every boy and girl in our schools say, "*I belong to Dakota, a republic of friends.*"

**Under God the People Rule.** This is the motto of the state of South Dakota. It appears on the great seal of the state (for the uses of the seal see Chapter VII). We all recognize that there is a Power in the world which is



Fig. 3. United States Seal.

mightier than that of man. The people should regulate all public affairs as in the presence of God. In former times governments were not carried on by the people or for the people. Even in our own country today, laws are often passed to protect some private interest instead of for the public good. Our state motto should ever inspire us to make our government more free from the control of selfish interests and more consecrated to the good of all.

**Seal of the United States.** On July 4, 1776, immediately after the Declaration of Independence was adopted, John Hancock, president of the congress, arose

and said: "We are now a nation, and I appoint Benjamin Franklin, John Adams and Thomas Jefferson a committee to prepare a device for a Great Seal of the United States of America." It was not until 1782, however, that the present seal was adopted.

It consists of the American bald eagle within a circle. In his beak is a scroll bearing the motto "E Pluribus Unum," meaning "Out of Many, One," and signifying "One Republic made out of Many Republics." On the breast of the eagle is a shield made up of a blue band above, with thirteen stripes below, seven red and six white. The band represents the federal government which binds together the states. The right talon is grasping an olive branch symbolizing Peace, and the left holds thirteen arrows, symbolizing War. Over the head of the eagle is a "breaking through a cloud," revealing a constellation of thirteen states. The shield "is borne on the breast of the American Eagle, without any other support, to denote that the United States of America ought to rely on their own virtues." A reverse side was also provided for but it has never been used.

**The Sunshine State.** South Dakota is very appropriately called "The Sunshine State." The percentage of sunshine is very high. According to the United States Weather Bureau, it is among the highest of the agricultural states. This is of untold value in conserving the health, in hastening the growth of crops during the summer and in many other ways.

**Health.** "To health and wealth the open door." According to the United States Census Bureau, South Dakota has had for years the lowest death rate of the states of the Union that have an accepted system of preserving health statistics.

A few statistics from the Census Bureau may be interesting. The total number of deaths, for every 1,000 persons, is given as follows: South Dakota, 8.8 in 1906; 9.8 in 1907; 10.1 in 1908.

United States, 16.1 in 1906; 16.4 in 1907; 15.3 in 1908.

For a series of years the average of the United States was 16.3; England, 16; France, 19.6; Germany, 19.9; Italy, 21.9; Austria, 24.2. The death rate for South Dakota is not only the lowest in the United States but the lowest in the world, the nearest being New Zealand, 9.9 deaths per thousand of population. One should be care-

ful, however, in drawing conclusions as to healthfulness from the death rate. The state having the highest death rate in this country is often California, but this is largely due to the great numbers of sick people who go there for their health.

The healthfulness of the state is accounted for in various ways. The purity and dryness of the air has much to do with it; the sunshine has a great value as a disease destroyer; the fact that the people, as a rule, are well to do and have an abundance of the best of food, comfortable shelter and means for travel, rest and physicians' services must be remembered; the purity of the drinking water, particularly the artesian water, is greatly emphasized by scientists as one of the causes, because the germs of typhoid, malaria, or other diseases are never found in our artesian water.

**Wealth.** For many years statistics have shown that there was more wealth owned and produced in South Dakota, in proportion to population, than in any other state. When we consider that there are millions of acres of rich farming land in this state and enough food products are raised each year to feed the entire population of Illinois, but that we have only about one-fourth of the population of one of her cities, Chicago, we then can appreciate why we have so large a production according to population. To this must be added the fact that South Dakota ranks fourth in the production of gold; one mine, the famous Homestake mine at Lead, produces nearly one-twelfth of all the gold mined in the United States each year.

With an average of over four hundred acres of land for every family in the state, having ability to support in comfort several times the present population, South Dakota certainly deserves the title, "Land of Plenty." The boys and girls of this favored state have a splendid heri-



Fig. 4. THE PASQUE FLOWER.

"While wasting snowdrifts, lingering, enshroud,  
You, smiling, cheer the chill, despondent field;  
Unerringly to prophesy the proud  
And gorgeous beauties that the summers yield.

"So, South Dakota, be it thine to lead;  
Thy smile to light affliction's dreary time,  
While o'er the drifts you scatter wisdom's seed,  
And harvest glory in the season's prime."

—Doane Robinson.





Fig. 5. Flag Salute.

tage. May they use their opportunities to develop a corresponding wealth of manhood and womanhood!

**State Flower.** The Pasque Flower is the state flower. It is found growing wild over the north central states, extending from Illinois to the great plains. A variety of the plant is found in northern Europe, growing wild and also cultivated in gardens. It received its name in France because it blossoms there at about Easter time, the word pasque (in modern French it is "paque") meaning Easter. As it is the first flower to blossom on our prairies, the motto accompanying the flower is "*I Lead.*"

**The State Flag.** In 1909 the legislature of South Dakota adopted a state flag. One side of the flag is shown on the cover of this book. The reverse side has the state seal in the center. It was the intent of the law to have the flag a light blue color, but for some reason a dark blue is used. The seal should be printed in dark blue, but gold is used instead. Following is the law describing the flag:

"The state flag, or banner, of South Dakota shall consist of a field of blue one and two-thirds as long as it is wide, in the center of which shall be a blazing sun in gold two-fifths as wide in diameter as the width of the flag. Above this sun shall be arranged in the arc of a circle, in gold letters, the words "South Dakota," and below the sun in the arc of a circle shall be arranged the words, in gold letters, "The Sunshine State," and on the reverse of the blazing sun shall be printed in dark blue the great seal of the state of South Dakota. The edges of the flag shall be trimmed with a fringe of gold to be in proportion to the width of the flag. The staff shall be surmounted with a spear head, to which shall be attached cord and tassels of suitable length and size."—Session Laws, 1909.



**Old Glory.** While we love our state and all its blessings, there is no glow of patriotism like that which wells up in our hearts when we salute "Old Glory," as we fondly call our national flag. The thirteen stripes symbolize the thirteen original states which united to form this nation. There is one star for each state. On the fourth of July following the admission of a new state an additional star is added to the flag.

"Citizens, by birth or choice, of a common country, that country has a right to concentrate your affections. The name American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations."—Washington, Farewell Address.

### QUESTIONS.

**A REPUBLIC OF FRIENDS.** What is the meaning of "Dakota?" From what is it derived? How did the word Sioux originate?

**STATE SEAL.** What is the motto of South Dakota? Where found? Describe the state seal? For what is it officially used? By whom? (See "seal" in the Index.) How should our state motto inspire us? Read the description of the state seal in the constitution (Article XI).

**SEAL OF THE UNITED STATES.** When was the seal adopted? Describe it. For what is it used and by whom?

**THE SUNSHINE STATE.** What is the nickname of South Dakota? Why so called? Of what special value is the great amount of sunshine?

**HEALTH.** What can you say as to the healthfulness of South Dakota? Compare the records. Name four causes for the unusual degree of health.

**WEALTH.** What can you say as to the wealth of the state according to population? How many acres of land are there, on the average, for each South Dakota family?

**STATE FLOWER.** What is the state flower? Describe it. What is the origin of its name? What motto accompanies the flower? Repeat the two stanzas by Doane Robinson on the state flower.

**STATE FLAG.** Describe the state flag.

**OLD GLORY.** Describe the flag of the United States. What is the "flag salute" given by millions of American pupils each school day? What is the South Dakota salute?

## CHAPTER II

### SURFACE FEATURES

**Near the Heart of the Continent.** Draw lines diagonally across a map of North America and you will find that they cross at almost the exact center of South Dakota—at Pierre, the capital. Thus we see that the Sunshine State lies in the center of North America, near the heart of the continent. The Atlantic, the Pacific and the

Gulf of Mexico are each about 1,300 miles distant. The state is situated half way between the equator and the North Pole, the 45th parallel crossing the northern portion of the state.



Fig. 6. "At the heart of the continent."

**Blessed Land of Room-Enough.** The area of South Dakota is 77,650 square miles (land 76,850; water 800), being larger than all of the New England states combined and over one-third as large as France. The population averages about eight for each square mile.

How many acres does this average for each man, woman and child in the state? The length of the state, east and west, averages about 370 miles and the width about 210 miles.

**Boundaries.** The states surrounding South Dakota are

shown in Fig. 8. Name them. The boundary lines are also shown. Be able to name all of them.

**Land of Fertile Plain and Prairie.** The surface, for the most part, is a gently rolling prairie. It rises from a plain east of the Missouri river to a plateau in the west-



Fig. 7. "Over one-third as large as France."

ern portion and mountains (the Black Hills) in the southwest. Two low table lands from 1,500 to 2,000 feet above sea level extend north and south in the eastern half of the state. One, the Coteau\* des Prairies, is near the eastern border. The other, the Coteau du Missouri, is just east of the Missouri river. Both of them are cov-

\* Coteau (Ko-tō') means a hilly divide between two valleys.

ered in some places with boulders and piles of gravel, sand and clay. Between these table lands lies the famous basin of the James, or Dakota, river. In the southeast

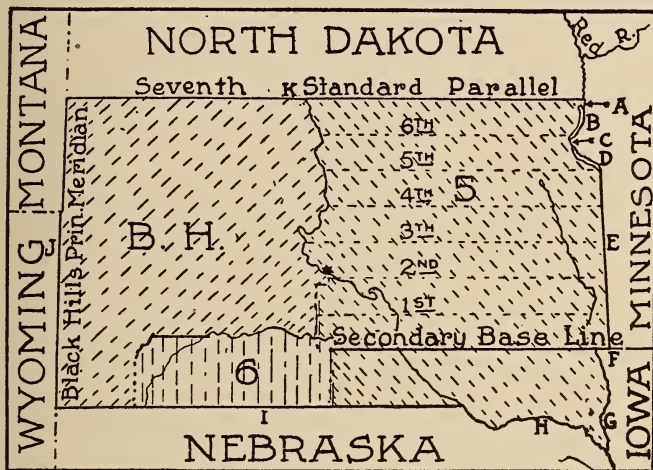


Fig. 8. Boundaries of South Dakota.

- A—Bois des Sioux River, which drains Lake Traverse.
- B—Lake Traverse.
- C—Line connecting headwaters of the two lakes.
- D—Big Stone Lake.
- E—Line due south of the outlet of Big Stone Lake.
- F—Boundary line between Minnesota and Iowa, called "Secondary base line of fifth principal meridian." Correction lines, called "standard parallels," are surveyed parallel to it every 24 miles. The seventh of these is the boundary between the Dakotas.
- G—Big Sioux River.
- H—Missouri River.
- I—43rd parallel north of the equator.
- J—27th meridian west of Washington, or 104° 3" west of Greenwich. For surveying purposes this portion is called the Black Hills principal meridian.
- K—Seventh standard parallel north of the secondary base line to the fifth principal meridian of the government survey.
- 5—The area surveyed from the fifth principal meridian.
- 6—The area surveyed from the sixth principal meridian.
- B. H.—The area surveyed from the Black Hills principal meridian.

are the basins of the Big Sioux river and the Vermillion river.

West of the Missouri river the surface is higher and more uneven and hills and table lands are numerous. In

the southwest these are so thick and steep sided that the region was called "bad lands for travelers" by the early French explorers. This name was shortened to "Bad-lands."

Five rivers flow into the Missouri from the west and drain this half of the state. To the north is the Grand river, which rises in Cave Hills in the extreme northwest.

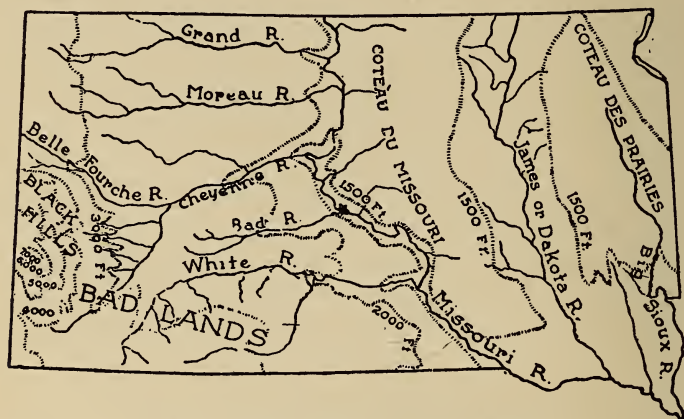


Fig. 9. Surface features of South Dakota.

Not far to the south is the Moreau (pronounced mor'-row) or Owl river. The map shows the largest of these rivers, the Cheyenne, reaching out branches like long fingers, clasping the entire Black Hills country. In the valley of one of its branches north of the Hills, the Belle Fourche river, is a great irrigation dam and a large tract of land made very productive by its waters. The Teton, or Bad, river rises in the Bad Lands and flows into the Missouri opposite Pierre. The White river rises in Nebraska, flows through the Bad Lands and then across the plains. All of these rivers have broad and somewhat deep valleys.



**The Ancient Ice Sheet.** About ten thousand years ago a great sheet of ice, in places hundreds of feet thick, pushed its way down from the north and northeast and spread over a large portion of North America. It is not known what caused this "ice age," but the fact of its existence cannot be denied. Figure 10 shows the great glacier when it covered what is now the eastern portion of the state. A great lobe or branch of the sheet of ice is called the Dakota glacier.

**Pre-Glacial Conditions.** Before the coming of the field of ice the Missouri occupied the present James river valley, having carved out a broad basin about six hundred feet lower than the plains on either side. The ice sheet turned the Missouri river out of its course, pushing it over to the western border of the glacier. Glaciers carry a great deal of stones, gravel, sand and fine clay, which are scraped or washed in the ice. Cracks occur in the ice, some of it melts, and much of the material is washed down under the glacier. The mountain of ice crushes many of the stones into fine powder and this is spread out underneath as a fine clay. This explains why the region east of the Missouri river is covered with a coating of fine, tough clay (which makes the best kind of a subsoil), with here and there boulders and gravel. At the edge of the glacier there were more stones and gravel deposited. Many of these stones are found to be worn down and scratched by being frozen into the ice by scraping against other rocks as the glacier pushed its way along. These scratches on flat-faced stones are called glacial striae. The deposits are called glacial "drift."

**Glacial Lakes.** West of the Missouri river in South Dakota the surface has what the geographer calls perfect drainage. Scarcely a lake is to be found there. East of the Missouri river, however, we find many lakes and un-

drained areas. Most of them, like lake Kampeska, Lake Madison, Waubay Lake, Lake Poinset and Lake Andes, were caused by irregular glacial deposits of rock material. Lake Traverse and Big Stone Lake are glacial channel lakes, explained later. Lake McCook, in Union county, is one of the very few lakes in the state not caused by the glacier. This is an abandoned bend, or "ox-bow," of the Missouri river. A few other "horseshoe" lakes like it are found along the Missouri river bottom land, or flood plain.

**Moraines.** The rock material deposited underneath the ice sheet, principally clay, is called ground moraine.\* As the glacier melted back and disappeared from the country it did so very gradually, the border of the ice staying in nearly the same place for years. Along the edge of the ice field the clay, gravel and stones that were in the ice and on it were dropped as the ice melted. Piles of stones, sand and clay grew to be hills, and as the glacier melted back in summer and advanced in winter a belt of these heaps of stones was formed along the edge of the glacier. These hills and ridges are called terminal moraines (Lat. *terminus*, the end). Broad valleys were washed out through the terminal moraines by huge streams caused by the melting of the ice. We can trace where the edge of the ice remained for a long period of time by the series of hills, covered more or less with rocks and gravel, and broken here and there by broad valleys. There were four great pauses in the retreat of the ice sheet from the South Dakota region and, therefore, four of the great outer terminal moraines are to be found today in this state.

**Altamont Moraine.** The outermost moraine has been given the name of Altamont (Lat. *alta*, high + *mont*, mountain), from a town in the eastern part of the state,

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\* Moraine (mo-rān'), from a French word meaning "a heap of stones."





Fig. 10. The Ancient Ice Sheet.

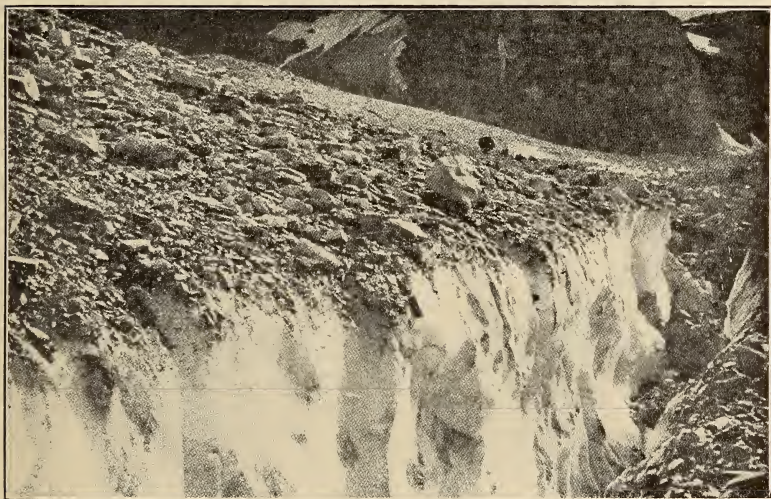


Fig. 11. Photograph of a Canadian Glacier. "Glaciers carry great quantities of rock, gravel and clay."



Fig. 21. Hog-back of Dakota Sandstone, Buffalo Gap, South Dakota.



Fig. 22. In the Big Badlands. Cattle Descending From Grass-Covered Table Land to Grass-Covered Valley Below.



Fig. 23. Excellent Grazing on the Plains Near the "Bad Lands."



Fig. 24. In the Big Bad Lands.





Fig. 12. Altamont Stage of Dakota Glacier. Showing the position of the glacier in eastern South Dakota when the Altamont moraine was deposited along the edge of the ice sheet.



Fig. 13. Gary Stage of Dakota Glaciers. Showing the position of the glacier in eastern South Dakota when the Gary moraine was deposited along the edge of the ice sheet.

where the hills of this moraine are prominent. The position of the great ice field when in this stage is shown in Figure 12.

**Gary Moraine.** The second moraine has been named from Gary, a town east of Altamont. The glacier had melted back and paused long enough to leave deposits of clay, gravel and boulders along the border.

**Antelope Moraine.** The third stop of the ice sheet left a series of four low ranges of hills on the south and west a higher range on the east. This is called the Ante-

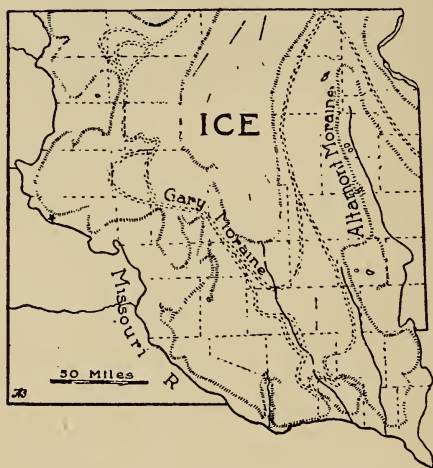


Fig. 14. Antelope Stage of Dakota Glacier. Showing the position of the glacier in eastern South Dakota when the Antelope moraine was deposited along the ice sheet.

lope moraine, named from a ridge in the Minnesota valley. As the ice melted back there was a partial damming of the James river valley southeast of where Redfield now stands, causing a great shallow lake to form. This was several thousand years ago, and since then the lake has disappeared; only a few small lakes and marshes still re-

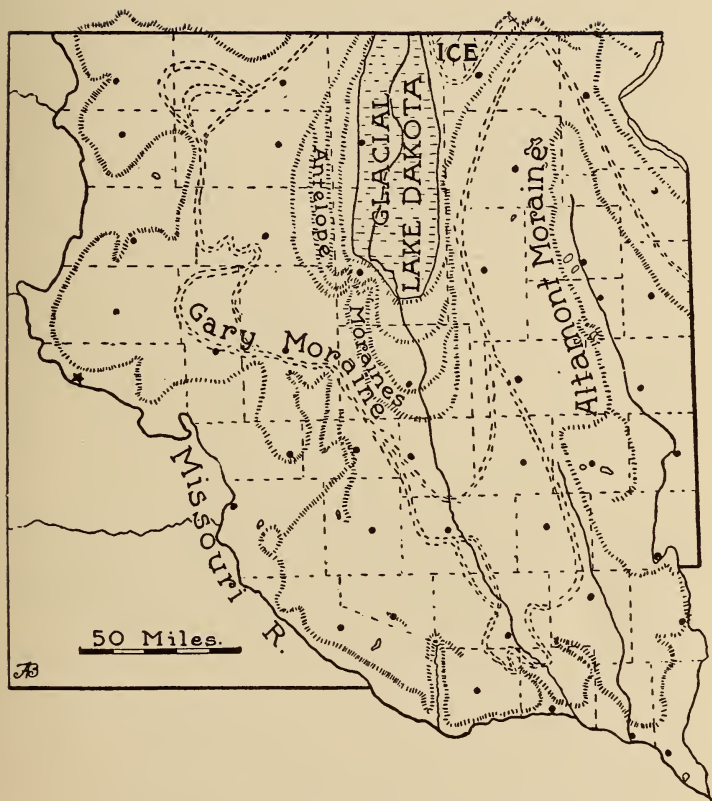


Fig. 15. Kiester Stage of Dakota Glacier. Showing the position of the glacier in eastern South Dakota when the Kiester moraine was deposited along the edge of the ice sheet. The Altamont, Gary and Antelope moraines are also shown.

main along the James river. This ancient glacial lake is called Lake Dakota, and the level and fertile bottom lands of the James river valley in this portion of the state

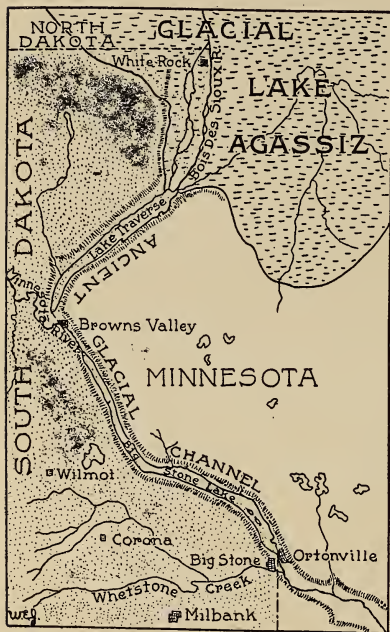


Fig. 16. Lakes Bigstone and Traverse. These lakes lie in a great glacier channel.

are due to the deposits of fine sediment in the ancient lake. The immense volume of water made a deep channel leading into the valley of the Minnesota river. The great river which then occupied this channel has been called River Warren.

Just south of Big Stone lake is a barrier of granite

are due to the deposits of fine sediment in the ancient lake.

### Kiester Moraine.

Only a small portion of the fourth moraine is found in South Dakota. This is shown in Figure 15.

**Lakes Traverse and Big Stone.** Shortly after the formation of Lake Dakota, another immense lake appeared in what is now the Red river valley. This lake, which has been named Lake Agassiz,\* was larger than all of the present Great Lakes combined. For a long time it was drained southward because the ice

\* Professor Louis Agassiz (ag'-as-si), of Harvard University, was one of the first to advocate the theory that glaciers once covered the northern portion of this continent, now accepted by everybody.

rock, and this was so hard that it partly dammed the great valley. Right here, too, Whetstone creek flows into it and much sediment has accumulated in the old glacial channel. This "boss" of granite, as the geologist calls it, and the alluvial fan built by Whetstone creek, caused Big Stone lake to be formed. Up the valley about thirty miles the Minnesota river flows into the ancient glacial channel, and when the flow of the glacial River Warren was checked by the granite barrier it could not wash down the sediment deposited by the Minnesota river, so another alluvial fan or delta dammed up the channel enough to form Lake Traverse.

**Mountains Filled with Gems and Ore.** The Black Hills region comprises an area of about 5,000 square miles, or about the area of Connecticut, extending into Wyoming. This region gets its name from the abundance of pine

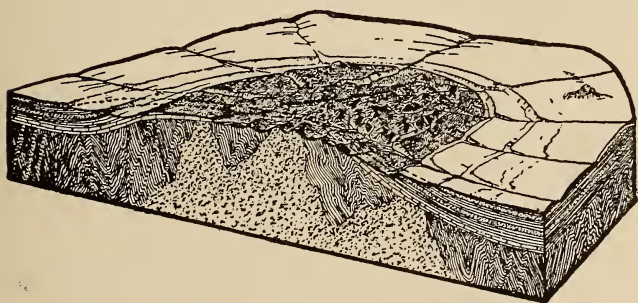


Fig. 17. A Diagram of the Black Hills.

and spruce which cover the hillsides and from a distance make them look dark. While called "hills," they are mountains, higher than any of those in the eastern portion of the United States.

The highest point is Harney Peak, 7,244 feet above



sea level.\* The highest peak in the eastern portion of the United States is Mt. Mitchell, North Carolina, 6,711 feet above sea level. Lead, the principal city of this region, has about the same altitude as Denver, one mile above sea level. The minerals found in this region are discussed in Chapter IV.

The great plains are made up of a series of thick layers of sedimentary† rocks, limestone, sandstone, clays and shale. Under them is the granite core of the earth. Some powerful internal force upheaved this portion of the plain, making a huge dome. The action of the weather and running water has worn down this dome and exposed the granite core in the central part. Deep ravines and canyons have been cut into the sides and edges by the streams which flow out in all directions. Around the central granite portion are arranged upturned and overlapping layers of rock. The edges of the harder layers, such as limestone and sandstone, have been worn into ridges and hills, and in the soft layers broad valleys have been carved out.

The hills, as a rule, have short, steep slopes toward the central portion, with long, gentle slopes away toward the plains. This is shown in the cut representing a portion of Deadwood. The separate ridges are sometimes called "hogbacks." Two of the overlapping layers need special mention, the red beds and the Dakota sandstone.

**The Red Valley.** One of the rock layers, turned up all the way around the hills near the inner granite area, is made of soft sandstone and clay and is usually of a dull red color. Being soft, the materials have worn away and a broad red valley completely encircles the hills. For this reason the Indians called it the "race course." In

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\* This is the latest determination from vertical angles by the United States Geological Survey, being furnished the author by the Chief Geographer under date of December 13, 1910.

† Called sedimentary because most of the material was deposited as sediment in the ancient seas which once covered this region.

this red valley are located several of the cities of this region, notably Hot Springs, Sturgis and Spearfish. The name of this red sandstone is the Spearfish formation. It contains valuable beds of gypsum, used in making plaster.

**The Dakota Sandstone.** Outside of the Spearfish red beds are some rock layers called Dakota sandstone. In places they are several hundred feet thick and extend to the surface all the way around the Hills. They are also turned up to the surface in many places along the foothills of the Rockies. This stone in many places is splendid for building, the beautiful government soldiers' hospital at Hot Springs being built of it. Its principal interest for us, however, is its untold value as the main source of our artesian water supply.

**Artesian Wells.** A study of the figure showing the

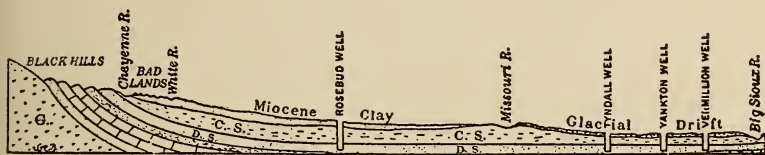


Fig. 18. Cross section of Southern South Dakota. Showing the course of the artesian water supply. G.—Granite rock. D. S.—Dakota sandstone, bearing water. C. S.—Clay and shale.

source of our great artesian water flow, shows how the water, which soaks into the Dakota sandstone about the Hills (and along the foothills of the Rocky mountains), works its way down the slope of these porous layers and rises as artesian\* or self-flowing wells. Above and below these water bearing sandstone layers are thick beds of shale, which are not porous and do not permit much leakage. It should be remembered that ravines and can-

\* The name is derived from the French province of Artois, where they were first well known.

yons extend from all directions into the Black Hills and into the Rockies, and the mountain streams which drain this large area carry their sparkling waters across the up-turned layers of the Dakota sandstone. The Missouri

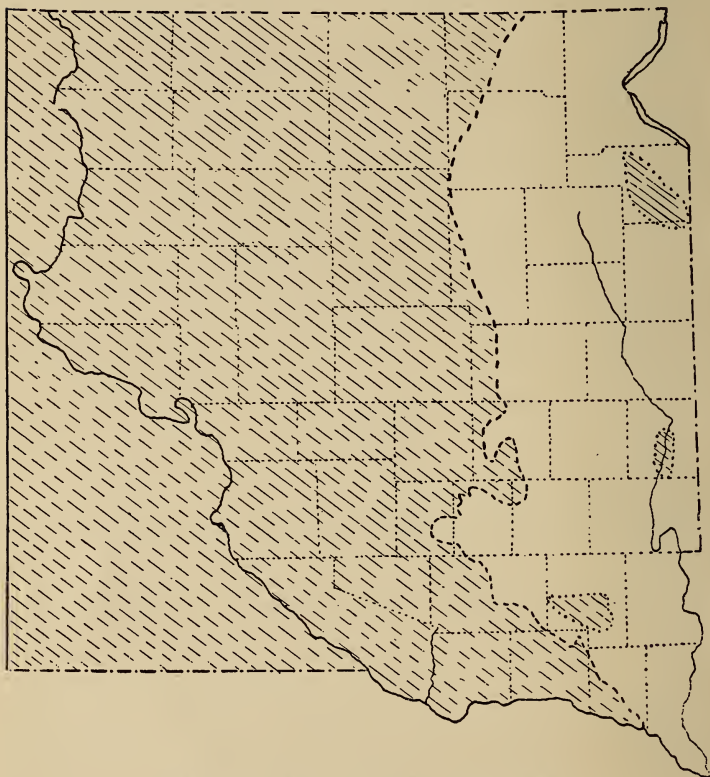


Fig. 18a. Eastern Limit of Artesian Basin.

river and the Cheyenne and their mountain stream branches cannot flow over to the great plains without crossing the porous sandstone. Thus great quantities of water are absorbed and carried out under the plains. Now, it is well known that "water seeks its level," so if

pipes are sunk down into the Dakota sandstone in the James river valley, carved down as it is, hundreds of feet below the level of the great plains, the water gushes upward under great pressure.

**The Pressure.** The water pressure varies greatly in different portions of the state. The city of Aberdeen sunk an eight-inch well in 1911 that gives a pressure of 250 pounds to the square inch at the well, probably the greatest recorded artesian pressure in the world. It supplies about 2,000 gallons of water a minute. At a depth of about 900 feet soft artesian water is found, having a pressure of about 40 pounds to the square inch. The high pressure waters are "hard," due to limestone, and are found at a depth of nearly 1,300 feet (at Aberdeen). The water is freely used for drinking and household purposes. It is perfectly free from any danger of disease, as no organic matter is ever found in it. In portions of the state where the surface elevation is higher, or where there is apparently some leakage from the sandstone to other layers, the pressure is less. In the eastern portion of the state the Dakota sandstone layers thin out and disappear. In a few places in the southeastern part of the state these rock layers come to the surface and their waters leak away. In some places there are shallower artesian wells which get their waters from other porous rock layers (notably the Benton sandstones and shales), or from dipping or slanting layers of glacial drift.

**A Warning.** Professor Ellwood C. Perisho, state geologist, has repeatedly warned the people of the state against the wastes of the artesian water. Much water escapes around the artesian pipes into porous rock layers. The artesian waters are as permanent as the "eternal snows" of the mountains from whence they come. Nevertheless, only a limited amount soaks into the sponge-like sandstone and hence it should not be wasted.

**The Bad Lands.** This name is somewhat misleading, as the land is fertile, except where it is so steep that vegetation is washed off. In the level portions the nutritious Buffalo grass grows and supports great herds of cattle. Good water may usually be found in shallow wells and considerable farming is carried on in this region.

The largest badland area in the state lies southeast of the Black Hills and extends into Nebraska and Wyoming. The following description by Professor C. C. O'Harra is taken from his bulletin entitled, "The Badland Formations of the Black Hills Region." This valuable bulletin is published by the South Dakota School of Mines, at Rapid City:

"Much of the view from the top of Sheep Mountain, which projects five hundred to six hundred feet above the lower valleys, is hopelessly indescribable. Far away cattle may be seen feeding on levels of green, and here and there distant dots in ruffled squares indicate the new abodes of sturdy homesteaders. Immediately about all is still. The sharp eye may possibly detect a remnant bunch of mountain sheep, once numerous in this locality, but quickly and quietly they steal to cover among the intricate recesses of the crumbling precipices. The song birds seem to respect the solitude. Only an occasional eagle screams out a word of curiosity or defiance as he sails majestically across the maze of projecting points and bottomless pits.

"Magnificent ruins of a great silent city seem painted in delicate shades of cream and pink and buff and green. Domes, towers, minarets and spires decorate gorgeous cathedrals and palaces and present dimensions little dreamed of by the architects of the ancients. At first there may come a feeling of the incongruous or grotesque, but studying more closely the meaning of every feature, the spirit of this marvelous handiwork of the Great Creator develops and vistas of beauty appear."

Long, long ages ago there were great salt seas covering what is now the western plains. Great deposits of fine mud and sand were made in these waters. The sea bottom arose and became dry land. These deposits are now the rock layers underlying the plains. Many fresh water lakes were formed and into them and over the plains were washed fine clays. Later, streams carried sediments into





Fig. 25. Head of Cottonwood Draw, in Center of the "Bad Lands."  
 Layers of Sandstone in Clay Beds. The Sandstone Protects the  
 Clay From Weathering and Wearing Away. The Isolated  
 Caps Are Called "Ostrich Heads."

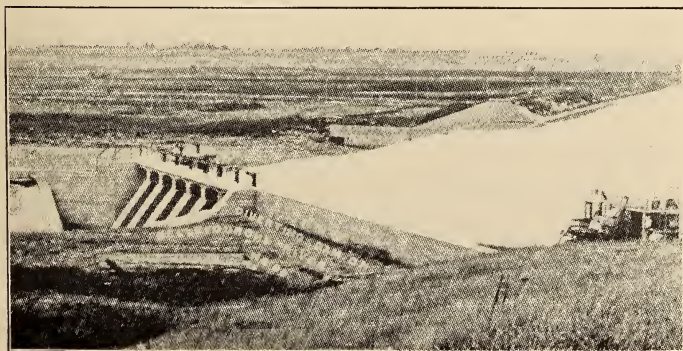


Fig. 26. Government Diverting Dam Near Belle Fourche.



Fig. 27. A Scene in the Black Hills—Sioux Pass.

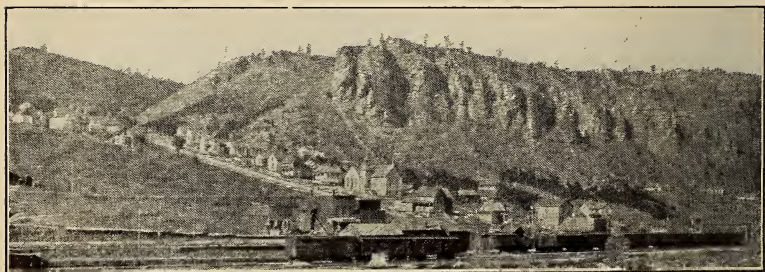


Fig. 28. In the Northern Part of Deadwood. "Upturned and overlapping layers of rock."



the region and the winds spread fine sand and dust over it. The fossil remains of many animals, some of them very large, have been found in these deposits. An uplift of the whole western plain occurred. The Rockies and the dome, which developed into the Black Hills, were uplifted.

In the Bad Lands the surface is made up of very fine clay, with occasional layers of harder stone. The rainfall is not very great, but comes in heavy showers, and there are no trees, shrubs, or deep-rooted plants to hold the soft surface together. Under these conditions the ordinary weathering forces produce a very irregular surface, every rain washing out tiny canyons and ravines.

Professor O'Harra, in his valuable bulletin, explains the development of the region as follows:

"The badlands of the Black Hills region are the result of erosion, controlled in part by climatic conditions and in part by the stratigraphic and lithologic nature of the deposits. There is too frequent lack of appreciation of the work of common disintegrating and carrying agents and many an individual speculates upon the mighty upheavals and the terrible volcanic forces that to him have produced the wonderful ruggedness of the badlands, when the real work, so far at least as immediate topography is concerned, wholly apart from the forces of vulcanism, have been performed under a kindly sun and through benevolent combination by ordinary winds and frosts and rains, and to a lesser degree by plants and animals.

"What the earliest beginnings may have been is not known. Suffice it to say that then, as now, the sun shone, the winds blew, and the rains came, and such irregularities as may have existed influenced in some degree the earliest run off. Season by season the elements weakened the uplifted sediments, and little by little the growing streams etched their way into the yielding surface. In time lateral tributaries pushed their way into the interstream areas and these tributaries in turn developed smaller branches, the series continuing with ever increasing complexity to the delicate etching at the top of the highest levels.

"All the important streams, the Little Missouri, the Grand, the Moreau, the Cheyenne, and the Belle Fourche, the Bad and the White rivers, give indications of an eventful history, but for this there is little opportunity for discussion here. Cheyenne river and White river are the chief factors today in the production and continuation of the badland features, and of these White river clings most closely to its task. The Cheyenne has already cleared its valley of the badlands deposits except in the important locality southeast

of the Black Hills and in the western Pine Ridge area beyond the headwaters of White river, and even in these areas the main stream has cut entirely through the formations and in most places deeply into the underlying black cretaceous shales. White river, on the other hand, for more than fifty miles of its middle course, meanders across a wide alluvial bottom, underlain by badland sediments, while its many branched head and all of the larger tributaries from the south and many from the north continue to gnaw vigorously into deposits that retain much of their original thickness."

### QUESTIONS.

*NEAR THE HEART OF THE CONTINENT.* Where in North America is South Dakota? The distance to the Atlantic? The Pacific? The Gulf of Mexico? The North pole? The equator?

*BLESSED LAND OF ROOM ENOUGH.* What is the area of South Dakota? How does this compare with New England? With France? What is the density of the population? The length of the state east and west? The width?

*BOUNDARIES.* Name the states which bound South Dakota. Name the boundary lines.

*LAND OF FERTILE PLAIN AND PRAIRIE.* Describe the surface of the state in general. What two low table lands are east of the Missouri river? What valley lies between them? What other rivers are here? Describe the surface west of the Missouri river. What is the origin of the term "Badlands?" Where are they? Name the five rivers of the western portion. What great project has been established by the United States in one of these valleys?

*THE ANCIENT ICE SHEET.* What portion of North America was once covered with ice? What is the portion of the ice sheet called which covered what is now South Dakota?

*PREGLACIAL CONDITIONS.* What great stream once occupied the present James river valley? "Rivers make their valleys, they do not find them." How deep a basin had the Missouri river carved out? By referring to the picture of the Alaskan glacier show how the clay east of the Missouri river was formed. Why are more stones and gravel found along the edge of a glacier than underneath it? What is meant by glacial drift? Have you ever found any stones having flat and scratched surfaces?

*GLACIAL LAKES.* Name six glacial lakes of South Dakota and the county in which each is located. What caused them? Explain the cause of Lake McCook.

*MORAINES.* What are moraines and how are they formed? What are terminal moraines? Ground moraines? How many great terminal moraines are found in South Dakota?

*ALTAMONT MORaine.* Copy the map showing this moraine. Where is it nearest to your home? From what is the name derived?

*GARY MORaine.* What was the size of the Dakota glacier when this moraine was deposited? Copy the map showing its position.

*ANTELOPE MORaine.* Where is this moraine to be found? Copy the map. Tell about Glacial Lake Dakota.

**KIESTER MORaine.** Where is this moraine?

**LAKEs TRAVERSE AND BIG STONE.** Where was glacial Lake Agassiz? What was River Warren? How were Lakes Traverse and Big Stone formed? What river is the outlet of each?

**MOUNTAINS FILLED WITH GEMS AND ORE.** What is the area of the Black Hills region? Why so named? What is the height of the Black Hills as compared with the Appalachians? What is the highest peak and its altitude? Explain how the Black Hills were formed. Describe the hills around the granite center. In Figure 20 the great plains lie off to the *left*; in Figure 26 to the *right*. Compare these with Figure 17.

**THE RED VALLEY.** Describe this valley. What did the Indians call it? Why? What cities are located in this valley? What is the name of this rock formation? What valuable mineral is found in it?

**THE DAKOTA SANDSTONE.** Where is this rock layer upturned to the surface? What use is made of it? Why is it especially interesting to us?

**ARTESIAN WELLS.** Make a diagram like Figure 18, marking the Dakota sandstone. How is the water which is in these layers kept in? From whence does the water come? Why does it come to the surface in wells out on the plains?

**THE PRESSURE.** Suppose the well pipe at Aberdeen were projected up in the air seven hundred feet. What would be the pressure at the top then? The top of the pipe would then be level with the plain to the west. (The altitude of Aberdeen is 1,300 feet; of Bowdle, 1,995 feet.) Why is the water pressure less on the higher plains than in the James river valley?

**A WARNING.** What is the warning of the state geologist?

**THE BADLANDS.** What is said of the fertility of the soil? Where is the largest badland region in the state? What bulletin has been published on this subject? Describe the appearance of this region. The rock layers. What conditions produce these surface features?

## CHAPTER III

### CLIMATE

**Seasons.** South Dakota has a continental climate, which differs from oceanic climate by having greater changes in temperature. The usual seasons of the temperate zone—spring, summer, fall and winter—are found here. Spring and fall are somewhat shorter than in the eastern portion of the United States, March often being a winter month and summer coming quickly in May. Winter sometimes sets in at about Thanksgiving time. Occasionally, however, we have an early spring, with seeding in March, and frequently there is little winter weather until Christmas time.

#### AVERAGE DATES OF KILLING FROSTS.

| City.            | Last in Spring. | First in Fall. | True Summer. |
|------------------|-----------------|----------------|--------------|
| Aberdeen .....   | May 21          | Sept. 18       | 120 days     |
| Brookings .....  | May 22          | Sept. 18       | 119 "        |
| Huron .....      | May 12          | Sept. 20       | 131 "        |
| Sioux Falls..... | May 12          | Sept. 19       | 130 "        |
| Yankton .....    | May 2           | Oct. 3         | 154 "        |
| Pierre .....     | April 30        | Sept. 30       | 153 "        |
| Rapid City.....  | May 6           | Sept. 26       | 143 "        |
| Spearfish .....  | May 9           | Sept. 27       | 141 "        |
| St. Paul* .....  | April 27        | Oct. 3         | 159 "        |

**Temperatures.** The average temperature for the entire state is about 45° for the year. The western half of

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\* Cities of other states are given in some of the tables for comparison. All records are those of the United States Weather Bureau. Temperatures are of the Fahrenheit scale.

the state is slightly warmer than the eastern half. The average is  $45.6^{\circ}$  in the west and  $45.5^{\circ}$  in the east. The following table gives a good idea of the temperature as recorded by the United States Weather Bureau:

## TEMPERATURES.

| City.             | Year<br>records<br>began. | Average<br>annual<br>temperature. | Lowest<br>ever<br>recorded | Highest<br>ever<br>recorded. |
|-------------------|---------------------------|-----------------------------------|----------------------------|------------------------------|
| Aberdeen .....    | 1890                      | 41.9                              | —46                        | 111                          |
| Alexandria .....  | 1882                      | 45.2                              | —38                        | 110                          |
| Brookings .....   | 1888                      | 42.5                              | —41                        | 104                          |
| Clark .....       | 1889                      | 42.6                              | —40                        | 108                          |
| Greenwood .....   | 1893                      | 48.9                              | —37                        | 111                          |
| Highmore .....    | 1887                      | 44.7                              | —40                        | 108                          |
| Huron .....       | 1881                      | 43.3                              | —43                        | 108                          |
| Milbank .....     | 1890                      | 42.8                              | —38                        | 107                          |
| Pierre .....      | 1891                      | 46.7                              | —40                        | 110                          |
| Rapid City .....  | 1888                      | 46.3                              | —34                        | 106                          |
| Sioux Falls ..... | 1890                      | 44.7                              | —42                        | 108                          |
| Spearfish .....   | 1889                      | 46.4                              | —30                        | 105                          |
| Yankton .....     | 1873                      | 46.6                              | —34                        | 107                          |
| St. Paul .....    | 1836                      | 43.9                              | —41                        | 104                          |

January is the coldest month, though the coldest days are sometimes in December or in February. The average temperature for the state for January is  $16.4^{\circ}$ . The lowest temperature average  $-33^{\circ}$ , although occasionally it gets as low as  $-40^{\circ}$ , though such temperatures are rare and remain so low for only a few hours, when the air is very still.

July is the warmest month, the average temperature for the state being  $72^{\circ}$ . The highest temperatures are often over  $100^{\circ}$ , although such temperatures occur only on one or two days, and then for only a few hours in the afternoon. It is very rare that the evenings of even the hottest days are uncomfortably warm; usually summer nights are delightfully cool.

## AVERAGE TEMPERATURES.

| City          | Jan  | Feb  | Mar  | Apr  | May  | Jun  | Jul  | Aug  | Sep  | Oct  | Nov  | Dec  |
|---------------|------|------|------|------|------|------|------|------|------|------|------|------|
| Aberdeen .... | 10.9 | 11.1 | 24.9 | 44.5 | 55.8 | 65.6 | 71.2 | 69.0 | 59.2 | 45.6 | 28.5 | 16.9 |
| Huron .....   | 19.5 | 12.9 | 26.7 | 44.6 | 57.3 | 66.6 | 71.5 | 69.1 | 59.6 | 44.7 | 27.4 | 15.7 |
| Pierre .....  | 17.9 | 18.1 | 30.8 | 47.8 | 58.1 | 68.2 | 74.8 | 73.4 | 63.6 | 50.7 | 33.3 | 23.8 |
| Rapid City... | 22.9 | 22.2 | 31.1 | 45.6 | 54.0 | 63.7 | 70.7 | 70.0 | 61.2 | 49.2 | 35.4 | 29.4 |
| Yankton ....  | 16.4 | 19.2 | 31.1 | 47.3 | 59.2 | 68.6 | 73.7 | 72.2 | 63.1 | 50.6 | 33.9 | 23.5 |
| St. Paul..... | 11.9 | 15.4 | 28.2 | 45.8 | 57.7 | 67.2 | 72.0 | 69.7 | 60.5 | 48.4 | 31.0 | 18.8 |

**Winds.** South Dakota lies in the zone of prevailing westerlies. Usually the surface air lying over the state is that which comes from the Rocky mountains, and hence has the dryness and crispness of mountain air. The moisture comes principally from the Gulf of Mexico and Atlantic ocean in the winds which "back in" to the prevailing drift of air from west to east across the United States.

**Cyclones and Anticyclones.** As explained in any physical geography, there are two kinds of general disturbances in the air of this zone—low pressure storms of warm, damp, rising air, or cyclones, and high pressure storms of cool, dry, descending air, or anticyclones. These are huge eddies in the atmosphere, sometimes covering one-half of the United States, and they always travel toward the east. A glance at any daily weather map of the United States will usually show several such cyclones and anticyclones, the center of the cyclone being marked "low" and that of the anticyclone "high." These storms follow each other with considerable regularity, each one taking three or four days to cross over a given place. A few days of warm weather occur, with occasional clouds and showers, while a cyclone is passing over the state, followed by three or four days of the colder, clearer air of the anticyclone. In New England these follow each other more rapidly, making the climate much more changeable than it is here. An occasional long, hot spell in summer is due to a slow movement of a



cyclone or to the influence of a second one closely following.

**Tornadoes.** The cyclone should not be confused with the tornado, the correct term for the small, violent and destructive storm which sometimes occurs within the area covered by a cyclone. *A tornado is a small part of a cyclone and is due to the presence of very moist air and intense heat.* Owing to the dryness of South Dakota air, tornadoes are very rare here.

**Chinook\* Winds.** These are frequent in the western part of the state, especially in winter. They are hot,† dry winds from the eastern slope of the Rockies. These winds usually occur often enough to keep the western grazing plains free from snow, for the nutritious Buffalo grass makes splendid grazing the year round. The rise in temperature when the Chinook winds blow is sometimes very rapid and snow disappears in a few hours.

‘First a puff of heat, summer-like in comparison with what had existed for two weeks, and we run to our instrument shelter to observe the temperature. Up goes the mercury, 34° in seven minutes. Now the cattle stop traveling, and with muzzles turned toward the wind low with satisfaction. Weary with two weeks’ standing on their feet they lie down in the snow, for they know that their salvation has come; that now their bodies will not freeze to the ground. The temperature has risen to 38°, the great expanse of snow is becoming damp and honeycombed by the hot winds, and we retire satisfied that the ‘Chinook’ is a genuine and lasting one.’—A. B. Coe, Monthly Weather Review, November, 1896.

**Blizzards.** The blizzards (snow accompanied by high northerly wind), which sometimes sweep over the Dakotas, Minnesota, Iowa and many other states, are severe storms which may occur to the east of an anticyclone.

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\* Pronounced *shee-nook*, the name of a tribe of Indians in Oregon.

† Whenever air ascends it expands, and expansion of the air cools it one degree for every 183 feet of ascent. This is the principal cause of rain. Now when a low pressure storm passes along the eastern slope of the Rockies the air flows over them and through the passes from the Pacific coast. As the air flows down the eastern slope it is warmed by compression just as it was cooled by expansion on the western slope. When vapor changes to liquid, heat is always released. The Chinook wind thus gets its heat in these two ways (a) by compression, and (b) by the release of heat in the upper air during the rain on the western slope.

If there is loose snow on the ground and a strong wind blows, it may become a blinding blizzard, which lasts a day or two, piling the snow in drifts. These blizzards do not occur very often in South Dakota, several winters sometimes passing without a severe one. Modern conveniences are now so common that the dread of the blizzard of pioneer days has almost disappeared.

**Wind Velocity.** There is a common error concerning the winds of the prairie states—a belief that they are more severe than they are in reality. The average rate of winds, as recorded by the United States Weather Bureau at Pierre is 9.3 miles per hour;\* at Rapid City, 8.1; at Yankton, 8.4; at Huron, 11.6. Comparing these with 11.3 at Minneapolis, 13.2 at New York, 13.6 at Duluth and 17.0 at Chicago, we see that the winds are not so severe or constant as many people believe. The reason why they seem more severe is because of the lack of forests and other wind protection, which as time passes is being overcome. When large groves are found on every farm and each town and city looks from the distance like a forest, the winds will be no more annoying in these prairie states than they are in central United States.

**Rainfall.** It has been thoroughly shown that the average rainfall is enough for farming by modern methods over practically the entire state. As in Iowa, Minnesota, Kansas and other agricultural states, the years with not enough rainfall are rare, and the state is now so prosperous that an occasional wheat failure does not cause the great loss which occurred in pioneer days, when everything depended upon that one crop.

Three important facts should be borne in mind in connection with rainfall in South Dakota: 1. Our rainy sum-

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\* The instruments are placed as high up in the air as possible, above all buildings and trees. The unusual heights at which they are placed in New York and Chicago partly explain the great velocities there.

mers. 2. The saving of the moisture by forests and other plants. 3. Modern diversified farming.

**Rainy Summers.** The rainfall at Yankton averages 26 inches a year; at Naples, Italy, it averages about 40 inches. If the soil and temperature at Naples are as favorable as at Yankton one might think that conditions for agriculture must be very much better at Naples than at Yankton. But a glance at Fig. 19 shows that Naples has very dry summers, having only two inches in June and July, whereas these are the rainy months at Yankton. In June we have more rain in South Dakota than we do all winter long (snow is melted and measured as

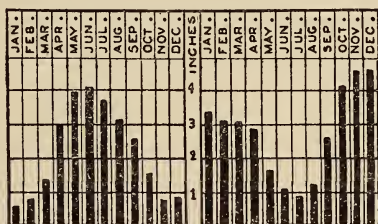


Fig. 19. Rainy summers at Yankton; dry summers at Naples, Italy.

rain), and this is just when we need rain for our growing crops. In winter Naples gets heavy rains, but they are not valuable for agriculture. They must irrigate in southern Italy to get crops. If you know the rainfall of a region you cannot tell whether it is favorable for farming *unless you know when the rain falls.*

**A Favorable Comparison.** That in South Dakota we have enough rainfall during the growing and ripening months of April, May, June, July and August is shown in a comparison of the average rainfall for many years during these months in a few selected cities of South Dakota and a few in the rich agricultural portion of the Great Lake region.

| City.              | Years. | April. | May. | June. | July. | Aug. | Total. |
|--------------------|--------|--------|------|-------|-------|------|--------|
| Centerville .....  | 11     | 1.74   | 4.35 | 4.92  | 4.72  | 3.48 | 19.21  |
| Aberdeen .....     | 20     | 3.46   | 3.79 | 4.43  | 3.06  | 3.12 | 17.86  |
| Yankton .....      | 37     | 2.94   | 3.93 | 4.02  | 3.77  | 3.15 | 17.81  |
| Flandreau .....    | 20     | 2.51   | 4.23 | 4.46  | 2.98  | 3.35 | 17.53  |
| Sioux Falls.....   | 20     | 2.52   | 4.33 | 4.44  | 3.11  | 2.98 | 17.38  |
| Buffalo, N. Y..... | 77     | 2.48   | 3.18 | 2.99  | 3.20  | 2.98 | 14.83  |
| Detroit, Mich..... | 40     | 2.21   | 3.28 | 3.82  | 3.49  | 2.73 | 15.53  |
| Milwaukee, Wis.... | 40     | 2.76   | 3.39 | 3.62  | 3.10  | 2.84 | 15.71  |
| Erie, Pa.....      | 37     | 2.43   | 3.54 | 3.76  | 3.10  | 3.11 | 15.94  |
| Chicago, Ill.....  | 40     | 2.72   | 3.63 | 3.52  | 3.62  | 3.02 | 16.51  |

These South Dakota cities have greater rainfall than most places in the state, *but the average for the entire state* during the five growing months is 14.55 inches, while that of the state of Michigan, right in the midst of the Great Lakes, is only 14.33 inches. South Dakota does not receive as much snow in winter or rain in the fall and spring as Michigan and other states to the east and southeast, but the ground here remains frozen all winter and there is very little evaporation until in the spring. *When the moisture which is in the ground in the spring is kept in by cultivation with the disc and harrow, the growing season is just as favorable for splendid crops in South Dakota as in the states having greater winter rains.*

| Year—      | Chicago | Buffalo | Yankton | Aberdeen | Regularity of Rains.—                     |
|------------|---------|---------|---------|----------|---|
| 1890 ..... | 3.25    | 5.28    | 3.59    | 7.54     | Even though our summer rains are abundant |
| 1891 ..... | 2.42    | 1.64    | 4.97    | 2.76     | it might be thought                       |
| 1892 ..... | 10.58   | 9.52    | 2.95    | 5.36     | that dry summers are                      |
| 1893 ..... | 3.59    | 1.65    | 3.22    | 1.29     | more frequent here than                   |
| 1894 ..... | 1.96    | 3.45    | 1.48    | 4.65     | in the north central                      |
| 1895 ..... | 1.79    | 1.52    | 5.69    | 7.55     | states. The rainfall rec-                 |
| 1896 ..... | 2.82    | 1.46    | 3.28    | 6.26     | ords of the United                        |
| 1897 ..... | 3.60    | 1.95    | 2.49    | 4.40     | States Weather Bureau                     |
| 1898 ..... | 5.30    | 2.14    | 4.08    | 0.94     | do not show this to be                    |
| 1899 ..... | 2.71    | 0.69    | 2.51    | 7.14     | the case. South Dakota                    |
| 1900 ..... | 2.06    | 1.22    | 1.88    | 1.71     | has no more frequent                      |
| 1901 ..... | 2.42    | 1.39    | 6.84    | 5.82     | dry summers than the                      |
| 1902 ..... | 6.45    | 4.20    | 5.03    | 3.92     | states bordering the                      |
| 1903 ..... | 1.62    | 3.95    | 3.35    | 1.50     | Great Lakes. The                          |
| 1904 ..... | 0.55    | 2.83    | 2.35    | 5.09     | month of June is the                      |
| 1905 ..... | 3.27    | 3.45    | 3.68    | 7.40     | critical one for rainfall.                |
| 1906 ..... | 1.87    | 1.77    | 2.62    | 2.66     | A dry June usually                        |
| 1907 ..... | 3.64    | 1.91    | 6.08    | 3.02     | means a short crop. The                   |
| 1908 ..... | 1.48    | 2.45    | 5.03    | 5.20     | rainfall for this month                   |
| 1909 ..... | 5.09    | 1.05    | 5.50    | 2.77     | for twenty-one years at                   |
| 1910 ..... | 0.91    | 1.05    | 1.85    | 3.00     | such widely separated                     |

The rainfall in the month of June.

Yankton compare very favorably with similar records for Chicago and Buffalo. *Count the number of years when less than two inches of rain fell in each of the cities; when less than three inches fell.*

**Plant Cover.** The importance of protection against evaporation is very great. It has been shown that thirteen inches of water during a year is enough in the hot climate of California *if there is complete protection against evaporation*. Forests are of great value in keeping moisture in the soil by preventing evaporation. There is no evidence that forests increase rainfall, but anyone who has gone into the woods after a rain knows how wet the ground stays for a long time after the prairie has become dry. Where there is no forest or plant cover for the soil, more water evaporates and more runs off.

**Modern Farming.** The effect of cultivating the soil in closing the tiny cracks and opening is to prevent evaporation. Cultivating the soil cannot possibly increase rainfall, but it does keep more moisture in the soil, so the effect is just the same. An actual experiment showed that nearly 200 tons of water were saved by cultivation on each acre of land, a saving equal to an inch and three-fourths of rainfall; and all of this *in just one week*.<sup>\*</sup> Examine a wheat field the day following a rain and you will find millions of tiny cracks broken through the crust. These permit much moisture to escape. Because a corn field can be cultivated during the early growing season and a wheat field cannot, corn is much better for saving moisture than wheat.

The farmers of South Dakota have learned the importance of mixed or diversified farming. When rust seriously injured the wheat crop in some portions of the middle west in 1904, it did comparatively little damage, because corn, oats, barley, speltz, millet and forage crops, stock and dairy interests, were the greatest sources of profit for the farmers and furnished a sure income.

**Soils and Moisture.** It is well known that the different kinds of soil require different amounts of moisture.

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<sup>\*</sup> See "The Soil," by F. H. King, published by The Macmillan Company.

## AVERAGE PRECIPITATION.

| City—              | Elevation | Jan. | Feb. | Mar. | Apr. | May  | June | July | Aug. | Sep. | Oct. | Nov. | Dec. | Total |
|--------------------|-----------|------|------|------|------|------|------|------|------|------|------|------|------|-------|
| Aberdeen           | 1,300     | .79  | .90  | 2.01 | 3.46 | 3.79 | 4.43 | 3.06 | 3.12 | 1.83 | 1.83 | 1.02 | .81  | 27.05 |
| Alexandria         | 1,352     | .53  | .60  | 1.59 | 3.46 | 3.36 | 4.31 | 3.36 | 2.69 | 2.26 | 1.85 | .58  | .63  | 24.75 |
| Bowdle             | 1,995     | .47  | .45  | 1.40 | 1.88 | 2.90 | 3.59 | 2.62 | 2.16 | 1.33 | 1.08 | .49  | .46  | 19.83 |
| Brookings          | 1,636     | .36  | .45  | .82  | 2.12 | 3.15 | 3.97 | 2.42 | 2.66 | 2.10 | 1.47 | .57  | .57  | 20.66 |
| Centerville        | 1,229     | .61  | .70  | 1.54 | 1.74 | 4.35 | 4.92 | 4.72 | 3.48 | 2.56 | 1.85 | .67  | .83  | 27.97 |
| Chamberlain        | 1,363     | .35  | .34  | 1.08 | 1.80 | 2.82 | 3.17 | 2.62 | 2.59 | 1.22 | 1.27 | .36  | .43  | 18.05 |
| DeSmet             | 1,726     | .45  | .51  | 1.24 | 2.31 | 2.99 | 3.92 | 2.58 | 2.43 | 1.97 | 1.82 | .66  | .65  | 21.53 |
| Faulton            | 1,595     | .35  | .49  | 1.74 | 2.78 | 2.58 | 3.50 | 2.58 | 2.33 | 1.41 | 1.25 | .63  | .38  | 20.02 |
| Fort Meade         | 1,600     | .73  | .70  | 1.50 | 2.35 | 4.10 | 3.59 | 2.26 | 1.77 | .80  | 1.06 | .58  | .62  | 20.06 |
| Fort Sully         | 1,624     | .46  | .42  | 1.18 | 2.08 | 2.56 | 3.30 | 2.75 | 1.91 | .89  | .65  | .42  | .47  | 17.09 |
| Flandreau          | 1,565     | .38  | .56  | 1.12 | 2.51 | 4.23 | 4.46 | 2.98 | 3.35 | 2.19 | 1.75 | .84  | .63  | 25.00 |
| Hermosa            | 3,278     | .41  | .41  | 1.45 | 2.00 | 3.44 | 4.24 | 2.49 | 1.99 | 1.03 | .79  | .40  | .39  | 19.04 |
| Highmore           | 1,890     | .34  | .23  | 1.20 | 1.81 | 2.28 | 3.66 | 2.67 | 2.37 | 1.38 | 1.17 | .45  | .36  | 17.92 |
| Howard             | 1,564     | .35  | .50  | 1.29 | 2.32 | 3.74 | 4.52 | 3.06 | 2.66 | 2.32 | 1.90 | .65  | .57  | 22.88 |
| Huron              | 1,306     | .49  | .49  | .97  | 2.55 | 2.95 | 3.90 | 2.92 | 2.59 | 1.61 | 1.39 | .39  | .59  | 21.04 |
| Ipswich            | 1,330     | .46  | .47  | 1.37 | 2.15 | 4.49 | 3.62 | 2.41 | 3.20 | 1.91 | 1.32 | .39  | .28  | 22.27 |
| Kimball            | 1,788     | .54  | .58  | 1.09 | 2.42 | 2.45 | 3.50 | 2.71 | 2.77 | 1.72 | 1.07 | .55  | .63  | 19.53 |
| Mellefte           | 1,300     | .44  | .43  | 1.07 | 2.21 | 3.13 | 3.59 | 2.76 | 2.86 | 1.72 | 1.65 | .50  | .34  | 20.70 |
| Milbank            | 1,148     | .50  | .78  | 1.33 | 2.20 | 3.48 | 4.38 | 2.67 | 2.75 | 1.86 | 1.61 | .71  | .65  | 22.92 |
| Mitchell           | 1,312     | .45  | .52  | 1.28 | 2.90 | 3.39 | 4.42 | 3.38 | 2.33 | 2.14 | 2.01 | .63  | .60  | 24.05 |
| Oelrichs           | 3,339     | .94  | 1.05 | 1.73 | 2.01 | 3.13 | 3.21 | 2.22 | 1.10 | 1.04 | 1.12 | .63  | .76  | 18.94 |
| Pierre             | 1,572     | .47  | .45  | 1.19 | 1.97 | 2.16 | 3.21 | 2.87 | 2.45 | 1.05 | .96  | .41  | .41  | 16.50 |
| Rapid City         | 3,251     | .34  | .48  | 1.17 | 1.93 | 3.49 | 3.50 | 2.24 | 1.47 | 1.04 | .77  | .37  | .35  | 17.15 |
| Redfield           | 1,295     | .22  | .40  | .78  | 1.77 | 3.19 | 3.18 | 2.79 | 3.68 | 2.14 | 1.48 | .39  | .32  | 20.34 |
| Sioux Falls        | 49        | .54  | .54  | 1.42 | 2.52 | 4.33 | 4.44 | 3.11 | 2.98 | 2.14 | 1.64 | .76  | .74  | 25.19 |
| Sisseton           | .65       | .73  | .73  | 1.24 | 2.03 | 3.10 | 3.80 | 3.41 | 3.01 | 1.93 | 1.69 | .52  | .70  | 22.71 |
| Spearfish          | 3,647     | .93  | 1.05 | 1.90 | 2.67 | 3.74 | 4.28 | 3.16 | 1.56 | 1.11 | 1.39 | .55  | .86  | 22.20 |
| Watertown          | 1,735     | .48  | .55  | .87  | 2.49 | 3.23 | 3.77 | 3.19 | 3.37 | 1.87 | 1.66 | .62  | .40  | 22.50 |
| Yankton            | 1,234     | .49  | .73  | 1.31 | 2.94 | 3.93 | 4.02 | 3.77 | 3.15 | 2.67 | 1.43 | .72  | .84  | 26.00 |
| Minneapolis, Minn. | 918       | 1.04 | .96  | 1.69 | 2.46 | 3.63 | 4.21 | 3.34 | 3.61 | 3.56 | 2.14 | 1.40 | 1.31 | 29.35 |



Clayey soil is best for holding moisture and sandy soil is poorest. Nearly all of the soil of South Dakota is made from fine clay, and thus is the best possible kind to hold and use the water.

**Total Precipitation.** The total precipitation (rain together with snow and sleet melted and treated as rain) each year for the eastern half of the state averages 22.3 inches, and for the western half 17.3 inches.

*CLIMATE PERMANENT.* There is a very widespread belief that the climate of South Dakota is changing, getting warmer and receiving more rain. The weather records, carefully preserved, do not show any such change. The longest reliable records in the state are at Yankton\*, extending back to 1873, and for the north central West at St. Paul, Minn., beginning in 1836.

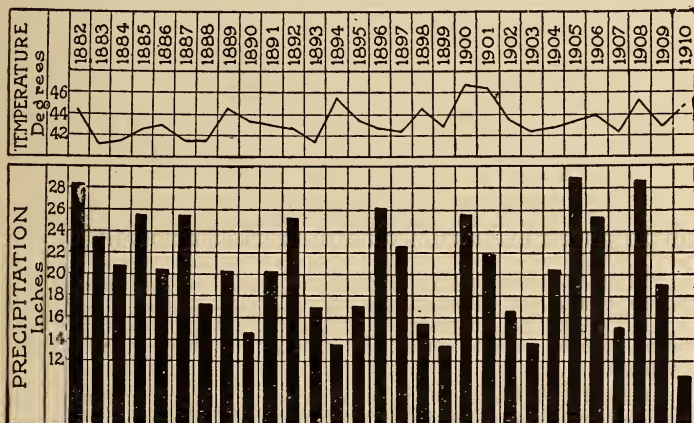


Fig. 20. Diagram showing Rainfall and Temperature at Huron.

The three years of heaviest rainfall at these stations were as follows:

Yankton, 40.95 in., 1881; 37.15 in., 1875; 35.21 in., 1883.

St. Paul, 49.69 in., 1849; 39.16 in., 1881; 38.14 in., 1865.

The ten-year period having the greatest rainfall was 1865-1874 at St. Paul, averaging 32.32 in.; 1875-1884 at Yankton, averaging 28.64 in. It should not be inferred that rainfall was greater in pioneer

\* There are a few records at Fort Randall extending as far back as 1857, and at Fort Sisseton from 1866 to 1889, but these records are not complete.

years, excepting for the year mentioned, for the highest five-year period at St. Paul was 1902-1906, averaging 33.54 in.; at Yankton, 1905-1909, averaging 29.06 in.

A diagram showing the rainfall and temperature by years shows no general increase or decrease either in heat or moisture. A diagram of that of Huron is given here because the records there are the most reliable in the state, all of them having been made by the same government expert, Mr. S. W. Glenn.

*VERIFICATION.* Every weather record in this chapter has been obtained from the United States Weather Bureau.

## QUESTIONS

*SEASONS.* Name the seasons. Briefly describe each. From the list showing the dates of killing frosts, find the city nearest your home and the average length of true summer weather.

*TEMPERATURES.* What is the average annual temperature of the state? Compare the temperatures in the western half with those in the eastern half. From the table find the warmest portion of the state; the coldest. What is the coldest month? What is the average temperature then? What do the lowest temperatures for the state during the month average? For how long at a time do these extreme temperatures prevail? What is the warmest month? What is its average temperature in South Dakota? What is said of extreme temperatures? Note the table showing average temperatures throughout the year. Which city of the list has the warmest January and coolest July? Compare the South Dakota cities with St. Paul.

*WINDS.* In what wind zone is South Dakota? The air over this state has usually come from where? What is the source of the moisture?

*CYCLONES AND ANTICYCLONES.* What kind of weather does the cyclone bring? The anticyclone? How frequently do they occur?

*TORNADOES.* Describe the tornado. In what kind of a general storm does the tornado occur? Why do they occur so rarely in South Dakota?

*CHINOOK WINDS.* Describe these winds. Of what special value are they in winter, particularly on the western plains?

*BLIZZARDS.* Describe the blizzard. What can you say as to their frequency? Why are they less dreaded than formerly? What common error is there concerning Dakota winds? What is the average hourly rate at Pierre? Huron? Rapid City? Yankton? Minneapolis? Duluth? New York? Chicago? Why do prairie winds seem more severe than they really are?

*WIND VELOCITY.* What common error is there concerning Dakota winds? Compare the government records at South Dakota stations with those at Minneapolis and other cities. The high elevation at which the instruments are placed in Chicago and New York in part explains the high velocity there. Why do prairie winds seem more severe than they really are?

*RAINFALL.* Is there enough rainfall for farming in South Dakota? What is the effect of a dry season now as compared with its effects in earlier years?

*RAINY SUMMERS.* Compare the rainfall at Yankton with that of Naples. Compare conditions for farming in the two regions. What advantage has Yankton as shown in the diagram?

*A FAVORABLE COMPARISON.* Compare the amount of rainfall during the five growing months at South Dakota cities with those of the cities around the Great Lakes. Compare the average for the state with that for Michigan. What conclusion may we form?

*REGULARITY OF RAINS.* Compare the frequency of dry summers in South Dakota, at least in the eastern half, with that of the Great Lakes states. Which is the critical month for rains? Less than two inches of rainfall in June usually has what effect on the crops? How many such dry months are shown in the table for Chicago? Buffalo? New York? Aberdeen? Yankton?

*PLANT COVER.* What can you say as to the importance of preventing evaporation? What is the great value of groves and forests?

*MODERN DIVERSIFIED FARMING.* What is the effect of cultivating the soil upon evaporation? Show that the effect is the same as if it increased rainfall. Show the importance of mixed farming.

*SOILS AND MOISTURE.* Discuss the ability of different kinds of soils to retain moisture. What kind of soil covers nine-tenths of South Dakota? What is the average annual precipitation for the eastern half of the state? For the western half? From the table find the city nearest your home and make a diagram showing the rainfall by months.

*CLIMATE PERMANENT.* What can you say as to the permanency of climate? What do the weather records at Yankton and St. Paul show? Study Figure 20. The temperature and precipitation lines are higher some years and lower other years, but does that diagram show any tendency for them to continue to move either higher or lower?

*VERIFICATION.* From what authority have the records of this chapter been obtained.

*EXERCISES.* From the table showing precipitation find the city nearest your home. Make a diagram showing the average rainfall by months. At a great many places in the state there are co-operative observers of the United States Weather Bureau. If there is one near where you live you can get temperature and rainfall statistics from him.

## CHAPTER IV

### INDUSTRIES AND INSTITUTIONS

**Pioneer Privations and Present Prosperity.** Looking over old files of newspapers, published between 1860 and 1880, one will find such topics as "Famine in Kansas," "Failures in Dakota," and "The Poor Farmer of the Northwest." Those pioneer days of the dugout, and of lonesomeness and suffering, are now happily in the past, and no parts of the world enjoy such a steady prosperity as these rich agricultural north central states. As already stated, South Dakota for years has been, according to population, the richest state in the Union and each year produces the most new wealth.

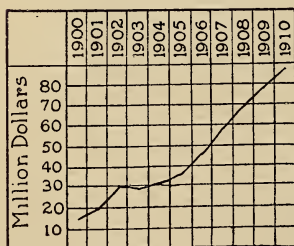


Fig. 29. Bank Deposits in South Dakota. Note the steady increases.

In our study of the surface of South Dakota, we noticed the clays of the glacial drift east of the Missouri river and the fine mud deposits in ancient shallow seas to the west. When covered with vegetable mould these make the richest soils known. In the chapter on climate we noticed the abundance of rain during the

growing months. The combination of the fertile soil and favorable climate and an industrious and thrifty class of people explains why this is the "Land of Plenty."

## NEW WEALTH PRODUCED IN SOUTH DAKOTA, 1900-1910.

|           |               |
|-----------|---------------|
| 1900..... | \$106,500,000 |
| 1901..... | 113,652,750   |
| 1902..... | 119,949,000   |
| 1903..... | 136,124,000   |
| 1904..... | 116,792,000   |
| 1905..... | 126,686,261   |
| 1906..... | 145,821,831   |
| 1907..... | 160,232,344   |
| 1908..... | 185,434,430   |
| 1909..... | 202,362,000   |
| 1910..... | 181,188,000   |

One of the best possible evidences of the steady growth in prosperity is the amount of money deposited in the banks of the state. Note the increase from year to year.

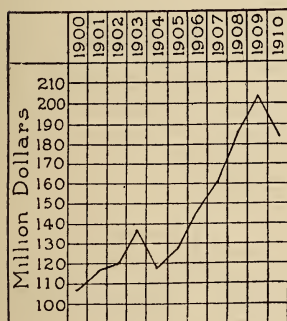


Fig. 30. The value of new wealth produced in South Dakota.

BANK DEPOSITS IN  
SOUTH DAKOTA, 1900-1910.

|           |              |
|-----------|--------------|
| 1900..... | \$14,733,000 |
| 1901..... | 19,194,500   |
| 1902..... | 29,422,500   |
| 1903..... | 30,611,100   |
| 1904..... | 28,607,300   |
| 1905..... | 34,759,700   |
| 1906..... | 45,046,200   |
| 1907..... | 57,769,900   |
| 1908..... | 68,833,000   |
| 1909..... | 78,830,000   |
| 1910..... | 87,784,000   |

**Corn is King.** Corn is the principal crop of the United States and also of South Dakota.

Most of the corn produced in this state is raised in the southeastern part, though it is successfully grown in every portion.

"In a report of the United States Department of Agriculture issued November 8, 1909, South Dakota's yield of corn per acre is shown to be two-tenths of a bushel greater than that of Iowa. South Dakota stands second among all the great corn states in the amount of yield per acre, a fact that signifies much when one considers



that lands in the older corn states are under a high state of cultivation, while in South Dakota much of the farming land is newly broken and a considerable amount of corn is raised upon sod ground.

"Compared with other states, South Dakota raises more corn than Minnesota, more than Michigan, and twenty-five times as much as North Dakota. She produces more than all the New England states combined with New York, North Dakota, New Jersey, Delaware, Montana, Utah, Washington, Oregon, California, Colorado and Wyoming. The total production of corn in all these states combined was 143,000 bushels less than in South Dakota alone.

"The average yield of corn per acre in 1908 was 2.7 bushels more in South Dakota than it was in Nebraska; 2.7 bushels more than in Missouri; 7.7 bushels more than in Kansas; 4 bushels more than in Texas; and 4.9 bushels more than in Oklahoma. The rich soil of South Dakota can produce, and in time will produce, more corn than any other state in the Union."

*CORN PALACE.* At Mitchell there is maintained a fair each year in a "Corn Palace," a large structure completely covered with corn, arranged in the form of pictures and emblems. It most beautifully testifies to the abundance of this product in South Dakota.

Name some of the uses and varieties of corn. What is considered a good yield in your county? Explain the advantages of frequent cultivation of corn.

**The Bread Basket of America.** This is the name which has been applied to the great wheat raising states of Minnesota, South Dakota, and North Dakota. In the pioneer days wheat was almost the only crop raised, and it ranks second to corn today. South Dakota ranks second among the spring wheat growing states (census of 1910). The quality of wheat produced is very high and the yield per acre among the highest in the United States. What are the principal varieties of wheat raised in South

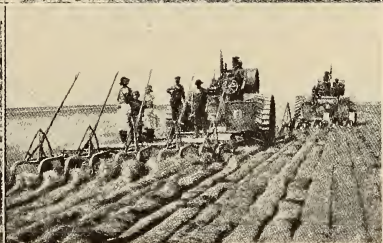


Fig. 31. A South Dakota Cornfield.

Fig. 32. Range Steers Shipped From Belle Fourche. They were grass fed only, but topped Chicago market for the year, up to the time they were sold, in September, 1909.

Fig. 33. Plowing Scene in South Dakota. Eighty acres per day is fair average for these two steam outfits.

Fig. 34. Artesian Well on the "Powers Farm," Edmunds County.

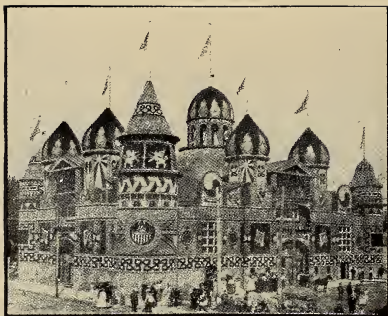


Fig. 35. Corn Palace, Mitchell.



Fig. 37. Vegetables of all kinds do well in South Dakota. The pumpkins shown in this picture were grown in Butte County, near Belle Fourche.



Fig. 36. Every village is a great grain shipping center. Line of grain elevators at Avon.



Dakota? Distinguish between winter and spring wheat. Which is raised in your vicinity?

Hay, oats, barley, flax, potatoes, speltz, and rye are other crops in the usual order of their value. The kinds of hay most commonly used are the native wild grasses, bromus (a bunch grass obtained from Russia), timothy, and clover. Alfalfa, a kind of clover, is beginning to be raised in great quantities. It has a great variety of uses, for beef and dairy cattle, horses, hogs, and sheep, and the bees make honey from its blossoms.

**Live Stock.** The native Buffalo grass is very nutritious and when it dries in the latter part of summer and early fall it "cures" naturally and makes excellent hay. Most grass if not cut at the right time withers and has little value. The native prairie grass may be cut until the snow flies, and cattle, horses, and sheep graze all winter and thrive with no other feed. It was these favorable conditions which early made the Dakota prairies famous for herding. While the farmer has gradually crowded the cowboy to the more western plains, the value of the live stock raised each year is greater than that of corn. Better grades of live stock have been introduced, and it is a very common thing for South Dakota cattle and hogs to "top the market" at Chicago and other stockyard centers. Dairying constitutes a very important source of wealth, yielding a steady and sure income.

**Minerals.** The Black Hills region is rich in many kinds of ores, especially gold. Many mines are operated with great success, the most famous one being the Homestake mine at the city of Lead. At this mine the gold ore is taken from open surface pits and also from underneath the surface. It is then pounded to fine powder under "stamps" and washed over pans covered with mercury. The mercury retains most of the gold, which is afterward separated from the mercury by distillation (heating

until the mercury evaporates). About three-fourths of the gold from the Homestake ore is thus obtained. The ore is then washed down to great tanks in which a chemical called cyanide of potassium is poured, and this dissolves nearly all of the gold which escapes the mercury plates. A further treatment called the "sliming process" is also given the ore under water pressure to recover the very small proportion of gold which is still left in it. Several thousand men are employed in this great mine.

Silver, mica, lead, spodumene (used in making lithia salts), tungsten (used for hardening steel and aluminum), tin, copper, iron, manganese (used to increase the hardness of steel), graphite (used in pencils), and other rare and valuable minerals are also found in this region. The mica industry at Custer is said to be one of the most extensive in the United States. Very valuable beds of gypsum (used in making cement and plaster) are found in the "red valley," especially at Hot Springs. Onyx, agates, garnets, and other valuable gems are also found in the Hills.

Many valuable building stones are found in this region, marble, limestone, and sandstone being the most important. In the southeastern part of the state, especially at Dell Rapids and Sioux Falls, is found a beautiful pink quartzite. This is a building stone that resembles in appearance granite and is very hard and durable.

The "Niobrara" chalkstone, which is found in abundance from Chamberlain to Yankton, makes a very high grade of portland cement. At a great many places in the state there is clay suitable for making brick. There are somewhat extensive coal deposits, principally lignite, in the northwestern portion of the state, but as yet they are worked only for local uses.

**Eggs and Poultry.** People do not usually appreciate



the immense value of these products. Several million dollars' worth are produced each year in this state,—another sure and steady source of wealth.

**Natural Gas.** In many places the artesian water has natural gas in it, and by means of a tank this is separated and used for fuel and light. It is used most extensively at Pierre.

**People.** The early settlers of South Dakota came from other northern states, principally from Iowa, Wisconsin, Illinois, and Minnesota, and from northern Europe. The proportion of foreign born persons is between fifteen and twenty per cent. About one-half of our population have foreign born parents; most of them came to this country from Norway, Germany, Russia, Sweden, Canada, and Denmark, though many other countries are represented. Few came to South Dakota from the ranks of the very rich or the very poor, practically all being of the well-to-do, industrious, enterprising, healthy pioneer type. It is this class of God-fearing, earnest, and progressive people that makes up the citizenship of the state today.

**A Law-abiding Citizenship.** The census shows that *one-third* of our people were born in this state but that *less than one-thirtieth* of our criminals come from these native sons and daughters. This clearly shows the character of the people who make up the life and progress of South Dakota. This fact also contains a bright prophecy of an increasingly better future. Our criminal class is very small, but the great majority of those we do have are from the people who "drift" into the state.

**Farm Life.** Life on the farm in years gone by was usually one of unending toil and had few comforts. This has all changed. With rural routes bringing the daily mail, and telephones throughout the country, the farmer no longer lives apart from the world. Prosperous times

have brought labor-saving machinery, automobiles and good driving horses, comfortable houses with modern conveniences, and the farmer has nearly every advantage of the city dweller, with none of the noise, discomfort and high taxes of crowded cities. Thousands of farmers of South Dakota have artesian wells, furnishing an abundance of wholesome water under pressure so that they may pipe their houses and barns, and many run motors which generate electricity to furnish a flood of light in the house, yard, and barn. To be sure, there is hard work to be done, but this is true of every occupation if one would be successful. There is no place where there is a better opportunity to apply intelligence and education than on the farm.

### Cities

South Dakota is an agricultural state and its farms will always be its greatest source of wealth and prosperity. At the railroad centers thriving cities are growing as trading points. The three largest ones have all modern improvements, such as street cars and paved streets, and all have electric lights and water works, good schools, and many churches. A few of the largest cities are mentioned here and those where important institutions are located. The population of every city, town, and village in the state is given in the Appendix.

**Sioux Falls.** This is the metropolis of the state, located at the rapids of the Big Sioux river. It is noted as a manufacturing and railroad center. Some quarrying is done in the beds of quartzite found here. Sioux Falls College (Baptist), All Saints School (Episcopal), and the Lutheran Normal School are located here. It is also the seat of an orphans' home, the state school for deaf mutes, and the state penitentiary.

**Aberdeen.** This is another growing and prosperous

railroad and shipping center, having many industries. It is the seat of the Northern Normal and Industrial School, maintained by the state. The United States government has its internal revenue office here, for the collection of taxes on the manufacture and sale of liquor and the manufacture of tobacco in the Dakotas.

**Lead.** This city gets its name from the miner's term lead (pronounced leed), or lode, which means a vein of ore. It is well named, for all around and under the city are vast gold ore deposits. The famous Homestake gold mine is located here, the greatest of its kind in the world. The wonderful ore deposits have made Lead the metropolis of the Black Hills.

**Deadwood.** This is the county seat of Lawrence county and the second most important Black Hills city. It is one of the oldest cities of the region and was famous in pioneer mining days. Its prosperity is based largely upon the mining done in the vicinity and its situation as a trading center. A United States assay office is located here, to which gold and silver bullion may be taken for tests as to purity.

**Rapid City.** This city is often called the "gateway to the Hills," as it is located at the natural and easy entrance into that mountainous country. It is the seat of the state school of mines, which has a national reputation because of the splendid location near a great variety of ores and because of the high grade of work done. The United States has established a large Indian school and a Weather Bureau station at Rapid City. Altitude, 3,196 feet.

**Spearfish.** This is another beautiful Hills city just outside the canyon of Spearfish river, where the finest scenery of the region is found. A large state normal school is located here. The United States has established a fish hatchery at this place, especially for the

culture of trout. This region is famous for its fruits, apples, and berries. Altitude, 3,647 feet.

**Sturgis.** This is a trading point for a great grazing region. Fort Meade, a United States cavalry post, is located just outside the city. Bear Butte, six miles north-east of Sturgis, is an isolated peak of porphyry 4,422 feet high, one of the most prominent landmarks of the state.

**Hot Springs.** This is a health resort of national fame. It receives its name from the springs of warm water which are found here. The state soldiers' home is located here, and also a national home for soldiers. A few miles from Hot Springs is the famous Wind Cave, set apart as a national park. This cave is a thousand or more feet deep and many miles long. It was caused by an ancient geyser. Altitude of Hot Springs, 3,450 feet.

**Custer.** This is the oldest town in western South Dakota. Gold was first discovered here in 1874. Near by is Sylvan Lake, a famous mountain health and pleasure resort; and just beyond this is Harney Peak, the highest point in the state, 7,244 feet high. The climate is so admirably adapted to the cure of consumption that a tuberculosis sanitarium has been established here by the state. It is maintained at public expense. The altitude of Custer is 5,322 feet.

**Watertown.** The fourth largest city of the state is a prosperous railway and distributing center for a rich agricultural section. Four miles from the city is Lake Kampeska, a popular chautauqua and summer resort. Altitude, 1,735 feet.

**Mitchell.** This is the second largest city of the James River Valley. It is the seat of Dakota Wesleyan University (Methodist Episcopal). Altitude, 1,292 feet.

**Huron.** This is an important point on the Chicago & Northwestern railway. It is the seat of Huron College (Presbyterian). The United States has maintained a

Weather Bureau station here since 1881. Altitude, 1,285 feet. The state fair is held each year at Huron.

**Yankton.** Yankton is called the "Mother City of Dakota" because it was so prominent in the early history of the territory, being the capital from 1861 to 1883. Large portland cement works are located here. It is the seat of Yankton College (Congregational). The state asylum for the insane is located near the city. A United States Weather Bureau station is maintained here. Altitude, 1,206 feet.

**Brookings.** This is the seat of the State College of Agriculture and Mechanic Arts. The boys and girls living on South Dakota farms should learn of the work of this splendid school, maintained in part by the state and in part by the United States, to train for the farm and shop; and this is excellent training for any kind of life.

**Madison.** The oldest state normal school in the Dakotas is located here. General Beadle was its president for many years. Altitude, 1,663 feet. A chautauqua assembly is held annually at Lake Madison.

**Pierre.** The capital of the state is located on beautiful terraces of the Missouri river. It is an important stock shipping point. The United States has established here an Indian school, a Weather Bureau station, and a land office. The new capitol building is a beautiful structure. Altitude of the river here, 1,440 feet.

**Fort Pierre.** This city across the river from Pierre is an excellent business center.

**Canton.** This city is twenty miles south of Sioux Falls. Augustana College (Lutheran) is located here, and a mile to the east is the only asylum for insane Indians in the United States. An annual chautauqua is held in a beautiful park on the Big Sioux river.

**Vermillion.** This is the seat of our state university.



Colleges of arts and sciences, law, medicine, engineering, music, and commerce are maintained. The professor of geology is the state geologist. Altitude, 1,150 feet.

**Redfield.** This city is the seat of Redfield College (Congregational). The northern hospital for the insane (a school for feeble-minded) is located near the city. Altitude, 1,300 feet.

**Springfield.** The third state normal school was located here. It is beautifully situated on the banks of the Missouri river. Altitude, 1,234 feet.

**Plankinton.** The state training school for juvenile offenders is located here. Its purpose is to reform the evil habits and tendencies of the young criminals committed to the school. Altitude, 1,528 feet.

### Educational Institutions

In chapter XIV we shall make a study of the public school system, embracing the common school of the first eight grades, the high school or next four grades, and the higher educational institutions. One of the main purposes of the teacher is to help the pupil to make the most of himself, to lay deep and broad the foundations for life. A test of the success of any teacher is the number of young people who are inspired to continue their education in some higher institutions. *There is probably no state in the Union and no other portion of the world which has so many higher educational institutions in proportion to population as South Dakota.* Every boy and girl in this state should know of these educational centers. The teacher's desk or school library should contain catalogues from the principal higher institutions.

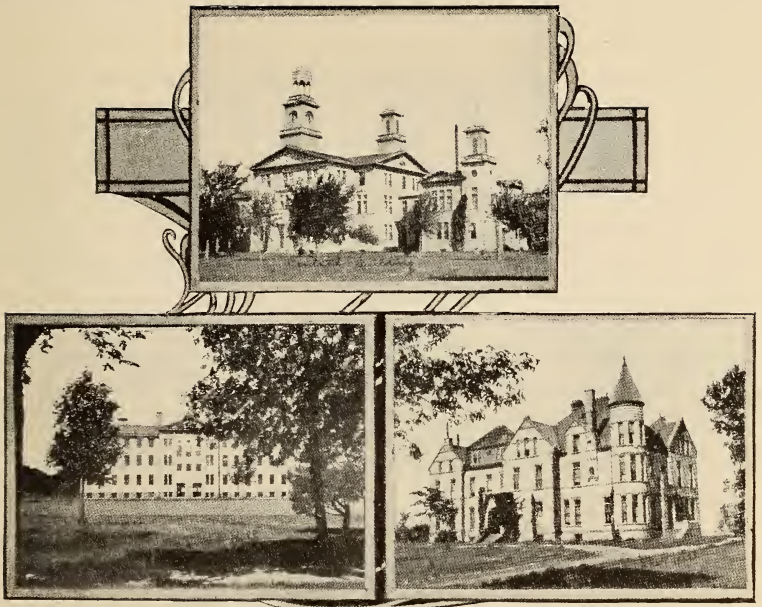


Fig. 39. State University, Vermillion.



Fig. 40. State College, Brookings.



Fig. 41. State School of Mines, Rapid City.



Fig. 42. State Normal School, Springfield.



Fig. 43. State Normal School, Spearfish.

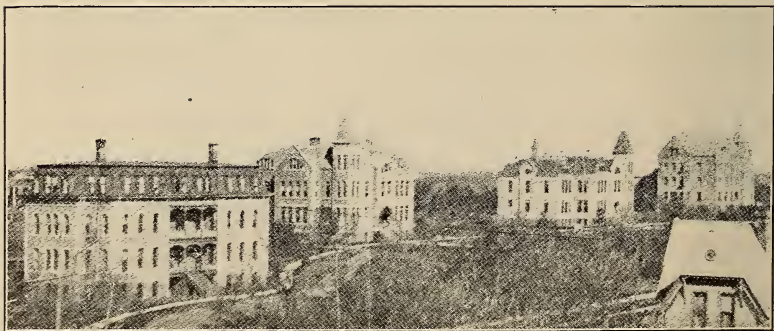


Fig. 44. State Normal School, Madison.



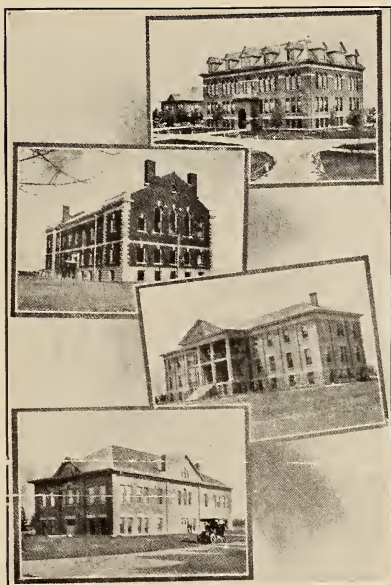


Fig. 45. Northern Normal and Industrial School, Aberdeen.



Fig. 46. Huron College.



Fig. 47. Yankton College.



Fig. 48. Dakota Wesleyan University.  
Mitchell.



Fig. 49. Redfield College.



Fig. 50. Sioux Falls College.



Fig. 51. Augustana College, Canton.



## THE BEST SCHOOLS IN THE WORLD FOR THE YOUNG PEOPLE OF SOUTH DAKOTA

### Maintained by the State

University of South Dakota, Vermillion; president, Franklin B. Gault.

State College of Agriculture and Mechanic Arts, Brookings; president, Robert L. Slagle.

State School of Mines, Rapid City; president, Charles H. Fulton.

State Normal School, Madison; president, John W. Heston.

State Normal School, Spearfish; president, Fayette L. Cook.

State Normal School, Springfield; president, Gustav G. Wenzlaff.

Northern Normal and Industrial School, Aberdeen; president, George W. Nash.

### Maintained by Churches

Yankton College (Congregational), Yankton; president, Henry K. Warren.

Sioux Falls College (Baptist), Sioux Falls; president, Edward F. Jorden.

Huron College (Presbyterian), Huron; president, H. C. French.

Dakota Wesleyan University (Methodist Episcopal), Mitchell; president, Samuel F. Kerfoot.

Redfield College (Congregational), Redfield; president, Noah C. Hirschy.

All Saints' School (Episcopalian), Sioux Falls; Miss Helen Peabody.

The following schools do school work a year or more beyond the high school: Lutheran Normal School (Scandinavian Lutheran), Sioux Falls; Augustana College

(Scandinavian Lutheran), Canton; Ward Academy (Congregational), Academy; Columbus College (Catholic), Chamberlain; Mennonite College, Freeman; Wessington Springs Seminary (Free Methodist), Wessington Springs; and Eureka College (German Lutheran), Eureka.

### QUESTIONS.

*PIONEER PRIVATIONS AND PRESENT PROSPERITY.* Compare life in pioneer days with life today. What two conditions form the basis of prosperity? What do the records show as to the amount of wealth produced from 1900 to 1910? What do the sums deposited in banks in various years show? Compare the amount in 1900 with that in 1910.

*CORN IS KING.* Tell what you can concerning the production of corn in South Dakota. How does the average yield per acre compare with other states? Tell about the corn palace at Mitchell.

*THE BREAD BASKET OF AMERICA.* Tell about the production of wheat in South Dakota. Name the other principal crops. What kinds of hay are produced? For what is alfalfa used?

*LIVE STOCK.* Describe the native prairie grass. What is said of the value of the live stock produced in South Dakota each year? The grades? Of dairying?

*EGGS AND POULTRY.* What is the value of these products?

*MINERALS.* Tell what you can of the Sioux Falls quartzite. Of the Niobrara chalkstone. Of brick making.

*NATURAL GAS.* Where in South Dakota is this found? How obtained?

*FARM LIFE.* Compare life of today with that of times past. What advantages have cities over the country; the country over the city? What are some of the modern conveniences of the South Dakota farmer?

*CITIES.* What causes cities to develop? What modern conveniences do the three largest cities of the state possess? The other cities? As each city is taken up, the pupil should be able to locate it on an outline map of the state. Pupils should readily name and locate every city having a higher educational institution or state charitable or penal institution. The population of a few, at least, should be known. A blackboard map having the county lines painted in white will prove very helpful and save much time. A pupil should be able to sketch rapidly upon the blackboard an outline of the state, locate the rivers, Black Hills, principal cities, etc. Some teachers require every pupil to be able to draw from memory a map of the state, showing every county and its county seat. To learn to do this takes a great deal of time which, perhaps, could be better spent in learning more important and more useful things.

*IMAGINARY JOURNEYS.* A splendid exercise is the taking of imaginary journeys to important cities, giving railroads, towns passed through, distances, things seen, etc. The use of railway folders and county maps will be found very helpful. For example, a pupil might take an imaginary visit (an actual one would be vastly better, of course) to the state university. From a railway folder he could learn the time he would take the train, where cars would be changed, and when he would arrive at Vermillion. From the catalogue of the school he could get much information about the buildings, grounds, president and professors, courses of study, and other matters of interest.

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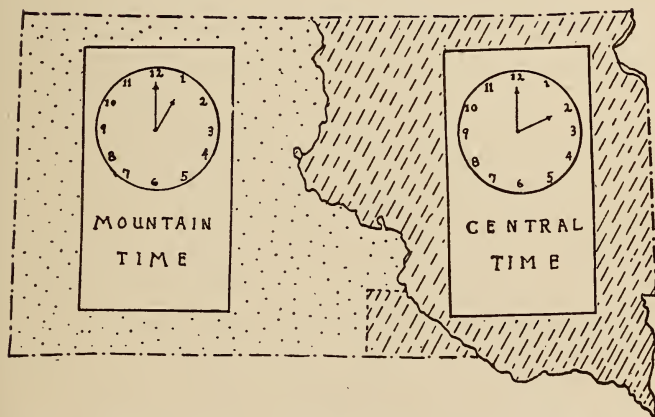


Fig. 52. Diagram Showing the Legal Division of Time in South Dakota.

## CHAPTER V

### THE BIRTH OF A REPUBLIC

*"The congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States." "New States may be admitted by the congress into this Union."*—Constitution of the United States.

**Colonial Period.** After the discovery of America by Columbus in 1492 Spain claimed all of North America. Gradually she was compelled to give the region east of

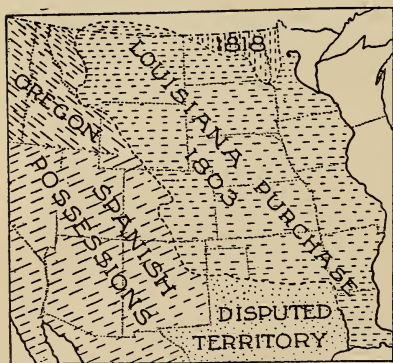


Fig. 53. The Louisiana Purchase. "Nearly all of South Dakota was a part of the Louisiana Purchase of 1803, the remainder being in the Red river valley, acquired from Great Britain in 1818."

the Appalachians to England, and the Mississippi and St. Lawrence basins to France. As a result of the French and Indian war of 1756 to 1763, France gave up all claims to this continent, save two little fishing islands. She gave Louisiana to Spain in 1762 and Canada and the Northwest territory to England in 1763.

In 1800 Spain gave Louisiana back to France, and the United States bought it in 1803 from Napoleon, who then was ruling France.

**Louisiana Purchase.** The great tract of land purchased from France in 1803 included all the land drained by western branches of the Mississippi. Nearly all of what is now South Dakota was a part of the Louisiana purchase. The northeastern part of Roberts county is drained into Lake Traverse, and this is drained into Hudson Bay, so it was not included in the Louisiana purchase. In 1818, by a treaty with Great Britain, the 49th parallel was made the northern boundary of this region. We thus acquired the famous Red River valley.

The Louisiana Purchase was divided by Congress into the territory of Orleans (the present area of Louisiana) and the "District" of Louisiana. In 1805 this district was made a territory and governed by a governor and three judges appointed by the President.

**Missouri Territory.** In 1812 congress provided that the territory of Orleans should become the state of Louisiana and the territory of Louisiana should be called the territory of Missouri. The people living in the territory were given the right to elect a legislature and to make laws subject to the approval of congress. Until 1834 what is now South Dakota was in Missouri territory.

**Michigan Territory.** In 1834 congress created the territory of Michigan and made it include what is now Michigan, Wisconsin, Iowa, Minnesota, and the portion of the Dakotas east of the Missouri and White Earth rivers. What is now South Dakota was then partly in Michigan territory and partly in Missouri territory.

**Wisconsin Territory.** In two more years, that is, in 1836, Michigan was given its present boundaries and the remainder of the area comprised Wisconsin territory. What is now South Dakota was for the next two years, 1836-8, partly in Wisconsin territory and partly in Missouri territory.

**Iowa Territory.** In 1838 congress gave Wisconsin its



present boundaries and created the territory of Iowa out of the remainder of its area. In what two territories was the region which is now called South Dakota?

**Minnesota Territory.** In 1849 congress created Minnesota territory, to comprise the region left after Iowa was admitted as a state in 1846. In what two territories did our present state then lie?

**Nebraska Territory.** In 1854 congress created Nebraska territory west of the Missouri river. What is now South Dakota was then partly in Minnesota territory and partly in Nebraska territory.

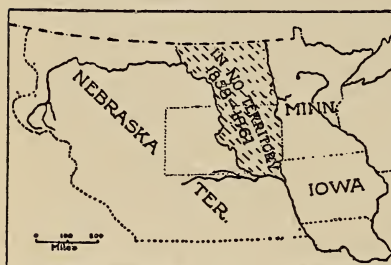


Fig. 54. Land of the Dacotahs "left without any government from 1858 to 1861."

### Land of the Dacotahs.

In 1858 the state of Minnesota was admitted by congress, and no provision was made for the government of the region between the western boundary line of Minnesota and the Missouri river. This country was then called the "Land of the Dacotahs."

From 1858 to 1861 this condition prevailed, and during this time the people living in this region took the affairs of government into their own hands.

**Lewis and Clark Expedition.** Before we continue the account of the steps which led to the establishment of this "Republic of Friends," let us briefly study the main facts concerning the coming of the white man to this region. In 1803 the United States purchased the great stretch of country known as Louisiana. There was much opposition to this purchase, and congress and President Jefferson were very anxious to find out what sort of

country it was. Arrangements were made for an exploring party to examine the region and give a report of it.

To head this expedition Jefferson chose Meriweather Lewis, a kinsman of his and former private secretary, and William Clark, a younger brother of the famous John Rogers Clark, who rescued the Northwest Territory from England during the Revolutionary war. With abundant provisions the party left St. Louis in May, 1804, traveled up the Missouri river to its headwaters, then over the Rocky mountains and down the Columbia river to the Pacific ocean. The trip there and back occupied two years, and the story of their experiences with the Indians is a most interesting one. They passed through what is now South Dakota in the latter part of the summer of 1804 and found two or three white traders in an Indian village near the mouth of the Grand river. This country had all been traveled over by French traders before this and French and Indian names given to many places.

**Early Trading Posts.** Trading posts were established along the Missouri, Big Sioux, and James rivers, the first permanent one being at the mouth of the Bad (or Teton) river about 1817. Fort Tecumseh was built a short distance to the north of this, and owing to the unfavorable situation a new fort was built near by in 1831-2. When it was completed, in 1832, Pierre Chouteau, Jr., a prominent fur trader of St. Louis, made a trip up the Missouri river in a steamboat made especially for Missouri river trade. Upon his arrival the new fort was named, in his honor, Fort Pierre. The city of Fort Pierre has grown up in the vicinity.

**An Indian Country.** Until 1851 all of what is now South Dakota belonged to the Indians. The history until this date is filled with accounts of rivalry among fur traders, wars among the Indians, and occasional bloodshed between whites and Indians. Their connection with the South Dakota of today is so remote, however, that we must pass on to the period of establishing homes and civilized life on these plains.

**First Indian Cession.** It will be remembered that Minnesota territory, created by congress in 1849, ex-

tended from Wisconsin to the Missouri river. In 1851 Governor Ramsey and a federal officer made a treaty with the Wahpeton and Sisseton Indians whereby they gave up their claim to "all lands east of the Sioux Wood and Big Sioux rivers and Lake Traverse to the Mississippi river, excepting a reservation 100 miles long by 20 miles wide on the headwaters of the Minnesota river."

**Territorial Plans.** When there was talk of the admission of Minnesota as a state, prominent politicians in St. Paul conceived the idea of making the western boundary of the state somewhere east of the Big Sioux river, leaving a strip of land open to settlement which they might occupy and have created into a territory for their own benefit. Accordingly, the Dakota Land Company of St. Paul was formed and in 1857 settlements were made in several places in the vicinity of Sioux Falls. Another land company, known as the Western Land Company, was formed at Dubuque, Iowa, at about the same time and sent settlers to the same region. The Iowa people arrived first and took possession of the lower falls of the present site of the city of Sioux Falls, where they erected a saw mill. This region was at that time in Dakota county, an immense county extending from St. Paul to Yankton. The governor of Minnesota territory then created a new county of this Big Sioux region, calling it Big Sioux county. Minnesota became a state in 1858, making its western boundary not at the Big Sioux river but at a line due south of the outlet of Big Stone Lake, leaving the "Dacotah" land outside of any state or territory.

**Government Established but Not Recognized.** The people of Big Sioux county at once proceeded to organize a territorial government as they had planned all along. Alpheus G. Fuller, of the Dakota Land Company, was chosen delegate to congress, getting his certificate of

election from the county commissioners. A legislature was elected, which met at Sioux Falls and adopted the laws of Minnesota and chose Henry Masters governor. Congress refused to recognize this government. The people, however, continued their government, choosing a new legislature the next year and electing Jefferson P. Kidder as delegate to congress and Wilmot W. Brookings as governor. In 1858, Medary, one of the settlements north of Sioux Falls, named after the last territorial governor of Minnesota, was burned by Yankton Indians and the settlers driven out. Before many more years had passed the other settlements in this valley, including Sioux Falls, were abandoned because of war-like activities of the Sioux. Permanent settlements, however, were made here after the Civil war was over.

**Second Indian Cession.** Once more we must notice the year 1858. It was in this year that a treaty was made with the Yankton Indians, opening for settlement the splendid region between the Big Sioux river and the Missouri as far north as Pierre, reserving a tract for the Indians in what is now Charles Mix county. This treaty was brought about largely through the influence of Captain J. B. S. Todd, T. Brugnier, and C. F. Picotte. In July of the next year, A. H. Redfield, agent for the Yanktons, arrived in a steamboat with a cargo of provisions for them. He arrived at Yankton just in time to prevent trouble on the part of some Indians who were dissatisfied with the treaty. The Indians speedily followed him to the reservation.

**Permanent Settlement.** With the year 1859 begins the permanent settlement of families in what is now South Dakota, and here we commence the history of this white "Republic of Friends." Hundreds of settlers hurried over the Missouri river from Nebraska the very day the Indians swarmed to the reservation, following agent

Redfield with his boat-load of provisions. Towns were started at Vermillion, Yankton, and Bon Homme. The next year the first school house, a small log building, was erected at Bon Homme. In 1860 log churches were built at Vermillion and Yankton.

In the meantime the rival settlements on the Big Sioux were carrying on a territorial government, though they had no legal powers whatever. The later settlements along the Missouri now took up the agitation for a territorial government, with better success.

"These pioneers on the 8th of November, 1859, assembled in mass convention to petition congress for a territorial organization. A memorial was drafted and signed by the citizens of the territory, which was conveyed to Washington by J. B. S. Todd calling the attention of the government to our situation. But the government appears to have looked with more surprise than compassion on these early political freaks of Dakotans. The session passed, congress adjourned, and amid the tumultuous preparation for a presidential election and the muttering thunders of a rising rebellion, Dakota was left ungoverned and unorganized.

"Not to be discouraged by this partial failure, the pioneers assembled again in mass convention at Yankton, December 27, 1860, and again on January 15, 1861, and prepared an earnest and lengthy memorial to congress, which was signed by 578 citizens and forwarded to the speaker of the house and the president of the senate. Again a cloud hung dark over Dakota's prayer. A new president had been elected—the old power was retiring, a new one advancing—and the rebellion which but the year before was muttering in smothered tones, had now burst forth in all its fury, and was bearing upon its maddening waves seven revolted states of the Union. But through the gathering darkness a ray of light was seen. The old power could organize, the new one appoint, and on the second day of March, 1861, President Buchanan approved the bill giving to Dakota a territorial government.

"The news did not reach Yankton until the thirteenth of the month, and on that night hats, hurrahs and town lots 'went up' to greet the dawning future of the Great Northwest."—The Early Empire Builders of the Great West, by Moses K. Armstrong.

**Dakota Territory.** On March 2, 1861, President Buchanan signed an act of congress providing for the government of Dakota territory. A vast country was included, embracing what is now the Dakotas, Montana, and a portion of Idaho and Wyoming. The southern



boundary was the 43d parallel to where it intersects the Keya Paha river; down that stream to the Niobrara river; down that stream to the Missouri river; then down the Missouri to the mouth of the Big Sioux river. In 1882 this boundary was changed by giving Nebraska the small area south of the 43d parallel and north of the Keya Paha and Niobrara rivers (see Fig. 55).

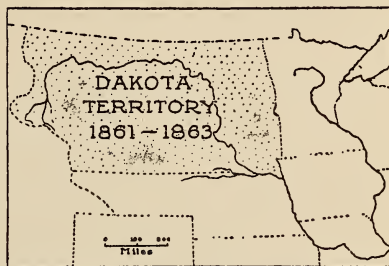


Fig. 55. Dakota Territory from 1861 to 1863.

### Early Government.

Congress provided for the government of the territory and set aside sections 16 and 36 in every township for school purposes. In accordance with the act of congress, President Lincoln appointed the following officers: every township for school purposes. In accordance with the act of congress, President Lincoln appointed the following officers:

Governor, William Jayne of Illinois; Secretary, John Hutchinson of Minnesota; United States Attorney, William E. Gleason of Maryland; United States Marshal, William F. Schaffer; Surveyor-General, George D. Hill of Michigan; Chief Justice, Philemon Bliss of Ohio; Associate Justices, S. P. Williston of Pennsylvania, and J. S. Williams of Tennessee.

**The First Legislature.** The governor made Yankton the temporary capital and called an election to choose a legislature and delegate to congress. Captain J. B. S. Todd was elected delegate. The first legislature was small, consisting of a council of nine members and a house of representatives of thirteen members. It met March 7, 1862, and among the laws passed were the location of the capital at Yankton, where it remained until 1883; the territorial university at Vermillion (no buildings

were erected until 1882), and penitentiary at Bon Homme.\* While those were the very early days of civilized life in Dakota, it is interesting to note that this legislature incorporated "The Old Settlers' Historical Association."

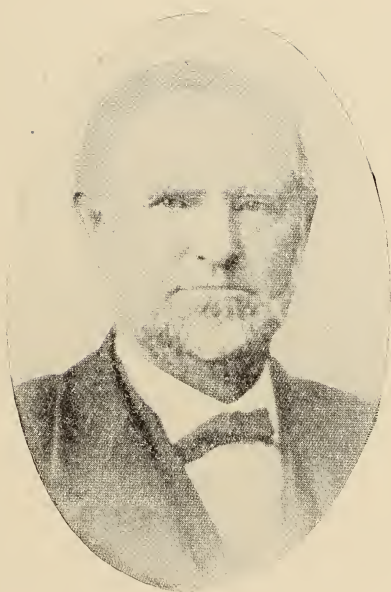


Fig. 56. Dakota Territory from 1861 to 1863 and from 1868 to 1889. The Keya Paha and Niobrara rivers formed a portion of the southern boundaries until 1882.

**Government Organized.** The justices of the territorial supreme court (later increased to five) also acted as judges in the district courts, trying cases in the different counties. County governments were organized, school districts were created, and towns and cities organized their local government on the same general plan as today.

**Division of the Territory.** The area embraced in Dakota territory was too large, so in two years, in 1863, congress created the territory of Idaho, embracing the present states of Montana and Wyoming. The next year Montana territory was created and Wyoming was again attached to Dakota. In 1868 Wyoming territory was created and our present western boundary became permanent (see Fig. 56). What is that boundary line? As already stated, in 1882 the present southern boundary was established. What is that boundary line?

\* In 1881 the territorial legislature located the penitentiary at Sioux Falls. Buildings were erected the following year and twenty-nine prisoners taken from Detroit, Mich., and placed therein.

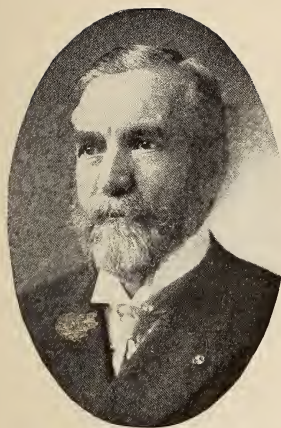


Gov. William Jayne.



Fig. 58. First Territorial Supreme Court.





Gen. W. H. H. Beadle.



Fig. 60. The Old Governor Faulk House at Yankton, Built in 1866.



Fig. 61. The Famous School House at Vermillion, Built 1864.



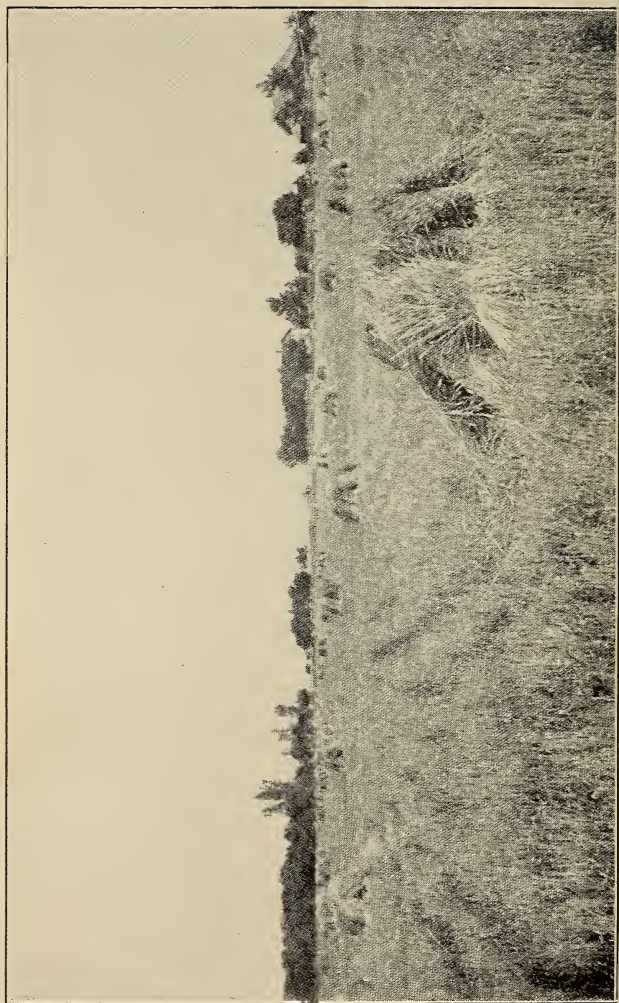


Fig. 62. A South Dakota Wheat Field.

**Attempts at Further Division.** The territory was still too large, and attempts were made to subdivide on the 46th parallel. In 1871, 1872, 1874, and 1877 the territorial legislature petitioned congress to make a new territory out of the portion north of that parallel, and in 1881 a request was made to divide the territory into three states; but congress refused to act. The movement for division was kept up in the southeastern portion, and the desire for statehood rapidly grew. To be admitted as a state, two conditions are necessary: (1) the consent of congress must be obtained and (2) a constitution and republican form of government must be adopted.

**Dakota Citizens' League.** In 1882 a movement was commenced, known as the "Dakota Citizens' League," having the twofold object of preventing the sale of the school lands at a low price and of securing division and statehood. There was talk of the formation of a company to buy the school lands in the hope of profiting by an increase in their value. General William Henry Harrison Beadle, then territorial superintendent of public instruction, was very active in this movement to save the school lands from falling into the hands of speculators, and a great many others worked hard for the same purpose. A strong sentiment was created, which later resulted in a provision that no school land should be sold for less than ten dollars an acre. To commemorate his noble work a beautiful marble statue of General Beadle to adorn the state capitol building at Pierre has been provided by the pupils in the schools of the state.

**Constitution of 1883.** The territorial legislature of 1883 passed a bill providing for a convention to frame a constitution for the southern half of Dakota. This bill was vetoed by Governor Ordway, so the Citizens' League called a convention to be held at Huron on June 19th of that year. This convention passed resolutions and pro-

vided for a constitutional convention to be held at Sioux Falls on September 4, 1883. Provision was made for the election of 150 delegates from the counties in what is now South Dakota. This movement was hastened by the removal of the territorial capital to Bismarck, to the great displeasure of the people in the southern part of the territory. The convention was held, Bartlett Tripp being elected its president. It remained in session fourteen days and framed a constitution much like the one we now have, though very different in some particulars. Thus the state seal provided for was described as follows:

“A shield draped with the American flag, depending from the beak of an eagle. In the background of the shield, a range of hills and the chimney of a smelting furnace. In the center of the shield, a river, bearing a steamboat. On the hither bank of the river, a train of cars. In the middle foreground, a field of wheat and a field of corn. In the immediate right foreground, a white man at his plow; in the left foreground, an Indian and tepees. Both white man and Indian are looking at a rift in the clouds where appears the legend: ‘*Fear God and Take Your Own Part.*’ This legend shall be the motto of the State of Dakota.”

**Constitution of 1885.** Congress refused consent to the admission, however, and in 1885 the territorial legislature provided for another constitutional convention for the portion of the territory south of the 46th parallel. In conformity with this provision, 101 delegates were elected June 30th and met at Sioux Falls, September 8th, remaining in session sixteen days. Alonzo J. Edgerton, chief justice of the supreme court of the territory, was elected president of the convention. A constitution was carefully prepared, *being the one which, with a few changes, later became that for the state.* In November the people ratified it by a vote of 25,226 for and 6,565 against. Huron was chosen as capital, and a full set of state officers, with Arthur C. Mellette as governor, and two members of congress, Oscar S. Gifford and Theo-

dore D. Kanouse, were elected. The legislature for South Dakota met at Huron in December and chose two United States senators, Gideon C. Moody and Alonzo J. Edgerton. Congress, however, refused to approve of this action, and again the efforts of the people to secure statehood were unsuccessful.

**The Enabling Act of 1889.** At length congress was willing to divide Dakota territory into two parts and permit each to form a state government. The law which was passed by congress and approved by President Cleveland, February 22, 1889, provided for this and was entitled:

“AN ACT to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments, and to be admitted into the Union on an equal footing with the original states, and to make donations of public lands to such states.”

**Line Separating Dakotas.** The dividing line selected for Dakota was not the 46th parallel, as had been formerly proposed, but the 7th standard parallel or “correction line” of the land survey (see Fig. 8). This is about four miles south of the 46th parallel, and east of the Missouri river it was a section line, a township line, and for nearly all counties, a county line. The 46th parallel passes right through sections and townships, and had it been chosen there would have been many farms partly in North Dakota and partly in South Dakota.

**Provisions of the Enabling Act.** Provision was made for readopting, if desired, the constitution of 1885, “with such changes only as relate to the name and boundary

of the proposed state, to the reapportionment of the judicial and legislative districts, and such amendments as may be necessary in order to comply with the provisions of this act."

Following are some other provisions of the enabling act, none of which can be changed without the consent of congress and of the people of the state:

"The constitution shall be republican in form and make no distinction in civil or political rights on account of race or color, except as to Indians not taxed, and not be repugnant to the constitution of the United States and the principles of the Declaration of Independence."

"Perfect toleration of religious sentiment shall be secured."

"The state must disclaim any right to United States lands and Indian reservations, and the right to tax United States lands or property."

"Lands belonging to non-resident citizens of the United States shall not be taxed at a higher rate than those of residents."

"Provisions shall be made for the establishment and maintenance of systems of public schools, which shall be open to all children of the state, and free from sectarian control."

"Lands granted by the United States for educational purposes shall be disposed of only at public sale and at a price not less than ten dollars an acre. The proceeds of the sale of these lands shall constitute 'a permanent school fund, the interest of which only shall be expended in support of said schools.'" To the permanent common school fund is also added five per cent of the net proceeds of the sale of all United States lands within the state.

Many thousands of acres of public lands were given to the state by the United States for educational, charitable and other public purposes. Besides the two sections in each township for the common schools, there were given lands as follows:

"For the use and support of agricultural colleges 120,000 acres; for the agricultural college, 40,000 acres; for the state university, 86,080 acres; for the state normal schools, 80,000 acres; for a state capitol, 82,000 acres; 40,000 acres each to the school of mines, the reform school, the school for deaf mutes; for such other educational and charitable institutions as the legislature may determine, 170,000 acres."

**Constitutional Convention of 1889.** In accordance with the terms of the Enabling Act, seventy-six delegates were elected in May, and these met at Sioux Falls on



July 4, 1889. Alonzo J. Edgerton was elected president of the convention. Thirty-two days were spent in deliberation and the constitution of 1885 was amended to meet the requirements of the Enabling Act. This constitution was submitted to a vote of the people on October 1st and was adopted by a vote of 70,131 for to 3,267 against.

At the same election state officers were elected, with Arthur C. Mellette as governor, and two members of congress, Oscar S. Gifford and J. A. Pickler.

*SEPARATE ARTICLES.* Together with the constitution, two separate articles were submitted to a vote. One provided for the prohibition of the manufacture and sale of intoxicating liquor. This was adopted but was repealed in 1896. The other was on minority representation, providing that where there are several representatives to be elected in one district a voter might divide his votes. Thus, if three representatives were to be elected from a district, a voter might cast three votes for one candidate, or two for one candidate and one for another candidate, or one vote for each of three candidates. This article was not adopted.

**Admission of South Dakota.** The Enabling Act provided that if the constitution and government were republican in form, and if all of the provisions of the Enabling Act were complied with, it should be the duty of the President of the United States to proclaim the admission of the state, after which it should be deemed admitted by congress into the Union "on an equal footing with the original states." On November 2, 1889, President Benjamin Harrison issued a proclamation announcing the admission of South Dakota as a state. Thus was born this "Republic of Friends" into the family of states which make the great republic of the United States.

#### QUESTIONS.

Give the portion of the constitution of the United States relative to the government of territories and the admission of new states. Find this in the constitution (see Chapter XVIII).

*COLONIAL PERIOD.* When was America discovered? By whom? What nation then claimed North America? What portion did England

acquire? France? What territory did France give to Spain in 1762? To England in 1763? When did France again get Louisiana? From whom? When did the United States get that region? How?

*LOUISIANA PURCHASE.* When was this purchase made? From whom? What were its boundaries? How much of what is now South Dakota was included therein? When was the remainder acquired? From whom? How was this area first divided? How was the territory of Louisiana governed?

*MISSOURI TERRITORY.* When was this territory created? By whom? How governed? What became of the territory of Orleans?

*MICHIGAN TERRITORY.* When did congress create this territory? What area did it include? In what territories was the South Dakota region?

*WISCONSIN TERRITORY.* When was this territory created? South Dakota location?

*IOWA TERRITORY.* When created? Area included? South Dakota location?

*MINNESOTA TERRITORY.* When created? Area included? South Dakota location?

*NEBRASKA TERRITORY.* When created? South Dakota location?

*LAND OF THE DACOTAHs.* When was Minnesota made a state? What region was left without a government? What was this region called? What did the white people who were there do? When was Dakota territory created?

*LEWIS AND CLARK EXPEDITION.* When was the Louisiana purchase made? What was known of this western region then? Who were Lewis and Clark? What was the purpose of their expedition? When did they leave St. Louis? Tell what you can of their journey. The best account of their trip is given in "The Expedition of Lewis and Clark," two volumes, by James K. Hosmer, published by A. C. McClurg & Co. Doane Robinson's South Dakota History, published by the American Book Company, Chicago, gives a charming account of their journey through what is now South Dakota. This book should be found in every library in South Dakota. What is said of white men in this region before this time?

*EARLY TRADING POSTS.* Where was the first permanent trading post established in what is now South Dakota? By whom? When? What fort was built near here? When rebuilt? How named? What city is near that point today?

*AN INDIAN COUNTRY.* What is the character of South Dakota history until 1851?

*FIRST INDIAN CESSION.* How far west did Minnesota territory extend in 1851? What Indian lands were ceded in that year?

*TERRITORIAL PLANS.* What two companies were formed for settling the Bix Sioux valley? When did they make settlements around Sioux Falls? This was then a part of what county of Minnesota territory? What new county was then made? Explain the situation in 1858.

*GOVERNMENT ESTABLISHED BUT NOT RECOGNIZED.* What did the people of "Big Sioux county" do when Minnesota became a state and this region was not a part of any state or territory? Was their government recognized by congress? What was done in 1859? What happened to all of these settlements?

*SECOND INDIAN CESSION.* What treaty was made with the Indians in 1858? What occurred in July, 1859?

*PERMANENT SETTLEMENT.* Show that the real history of South Dakota people began in 1859. What towns were founded? When and where was the first school house built? The first churches? When did congress enact a law providing for Dakota territory? Who was President then? Who became President two days later?

*DAKOTA TERRITORY.* What area was included? Describe the southern boundary? When was this boundary changed to the present one?

*EARLY GOVERNMENT.* What was the first capital? What school lands were given? Who was the first governor? By whom appointed? What other officers? How many judges? Who was the first delegate to congress?

*THE FIRST LEGISLATURE.* Of what did the first legislature consist? When and where did it meet? What institution did it establish at Vermillion? What one at Bon Homme? When was the penitentiary located at Sioux Falls?

*GOVERNMENT ORGANIZED.* How many judges were there in the territorial supreme court? What local governments were organized?

*DIVISION OF THE TERRITORY.* Make maps showing Dakota territory in 1861, 1863, 1868 and in 1882. Who made the changes in the boundaries?

*ATTEMPTS AT FURTHER DIVISION.* What attempts at further division of the territory were made? What did the people in the southeastern portion desire? What two conditions are necessary for the establishment of a state government?

*DAKOTA CITIZENS' LEAGUE.* What were its plans? What plans were made for buying up school lands? Tell about General Beadle.

*CONSTITUTION OF 1883.* Tell about the convention to form a state constitution; about the capital removal. What did the convention do? What state seal was provided for? What motto? Compare it with the present motto. Which do you think is more appropriate for a republic?

*CONSTITUTION OF 1885.* Tell what you can of the convention which framed this constitution. What steps were taken in forming a new state? What did congress do?

*THE ENABLING ACT OF 1889.* What did congress do in 1889?

*LINE SEPARATING THE DAKOTAS.* What line was selected to separate the Dakotas? Why not the 46th parallel?

*PROVISIONS OF THE ENABLING ACT.* Name five of its provisions. What lands were given to South Dakota?

*CONSTITUTIONAL CONVENTION OF 1889.* Tell what you can of this convention. How does the constitution of 1889 compare with the constitution of 1885?

*SEPARATE ARTICLES.* What separate articles were submitted with the constitution? Which one was adopted? When was it repealed? Who was elected the first governor of South Dakota? Who was Henry Masters? William Jayne?

*ADMISSION OF SOUTH DAKOTA.* Under what conditions was South Dakota admitted as a state? When was the state admitted?



## CHAPTER VI

### HISTORIC ITEMS

The first visit of a white man to the region now comprised in South Dakota was probably in 1695, by Le Sueur, who was sent out west by the French governor at Quebec. The first building erected by white men in this region was probably the Trudeau house, or "Pawnee house," built of logs and protected by a stockade. It was probably erected in 1796, a short distance below the present site of Wheeler. The first permanent settlement was that established by Joseph La Framboise, in 1817, near the present site of Fort Pierre.

The first sermon preached in this region was by Rev. Stephen R. Riggs at Fort Pierre in 1840. Mr. Riggs was a missionary among the Indians, Rev. Thomas S. Williamson being associated with him. Father De Smet was the first Roman Catholic missionary among the Indians of the Northwest, having come up the Missouri river from St. Louis, his headquarters, as far as the mouth of Vermillion river, as early as 1839. The first churches were built of logs at Vermillion and Yankton in the summer of 1860. During the same year the first school house was built at Bon Homme. The school house built at Vermillion in 1864 is, perhaps, the most famous of the school houses of those early days.

The first white woman to come to the territory was Mrs. Goodwin, who arrived with her husband at Sioux Falls in the spring of 1858. The first newspaper was the *Dakota Democrat*, published at Sioux Falls in 1859. The first



permanent newspaper to be established was the *Weekly Dakotian*, which was first issued at Yankton, June 6, 1861, and still continues under the name *Yankton Press and Dakotan*.

The first railroad to enter this region was the Dakota Southern, built from Sioux City to Yankton in 1872. Seven or eight years later many lines headed into South Dakota, extending up the James River valley and across the state to the Missouri river. The increase in population within the next few years was very great.

**The Capital.** The oldest permanent settlement in what is now South Dakota was made in 1817 near the present site of Fort Pierre, at the mouth of the Teton (or Bad) river. The trading post was called Fort Teton until 1822. The name was then changed to Fort Tecumseh, and in 1832 to Fort Pierre. The commandant at the fort was practically a supreme ruler in the early days. When a territorial form of government was provided in 1861, Governor Jayne selected Yankton as the temporary capital. The next year the territorial legislature passed a law fixing Yankton as the capital. The seat of government remained at this place until 1883, when it was removed to Bismarck. When the constitution was adopted in 1889 the question of the temporary location of the capital was voted upon and Pierre received the highest number of votes. Another election occurred in 1890 for the permanent location of the capital of the state, and Pierre again won. Several attempts were made later to remove the capital, the matter being voted upon in the election of 1904. Again Pierre triumphed, and it is safe to say that there will be no further agitation of the subject.

**The Capitol.** The capitol building used during statehood until 1910 was a frame structure built by the citizens of Pierre and donated to the state. In 1910 the present splendid structure was completed at a cost of

nearly one million dollars. This amount is being paid from the proceeds of the sale of the 82,000 acres of land donated to the state by the federal government for this purpose (see p. 2).

#### QUESTIONS.

*HISTORIC ITEMS.* Who was the first white man to visit this region? When? Where was the first building erected by white men? When? The first permanent settlement? When was the first sermon preached. By whom? When? Who was Father De Smet? When were the first churches built? The first school house? Who was the first white woman who came to this region? When? What was the first newspaper? The first railroad? When was Yankton made the territorial capital? When did Bismarck become the capital? Tell about the location of the state capital at Pierre. Tell about the two capitol buildings at Pierre.



## CHAPTER VII

### DAKOTA INDIANS

**Dakotas Displace Rees.** It seems to be quite clearly established that in 1700 the Arickaras or Rees occupied what is now South Dakota. Some time later the Dakotas, who had been living in the Minnesota country, gradually extended their conquests to the Dakota plains. The period from about 1750 to about 1790 is known among them as the "forty years' war" between the Dakotas and the Rees. The Sissetons and Wahpetons secured the region around Big Stone Lake; the Yanktons (E-hank-ton-wan), the lower portion of the James River valley; the Yanktonais, the northern James River valley; and the Tetons, west of the Missouri river. The Rees continued for a long time to occupy villages near the mouth of the Grand river.

**Grand River Massacre.** General W. H. Ashley and a party of about one hundred fur traders went up the Missouri river in the spring of 1823. While stopping at the mouth of the Grand river and trading with the Rees a portion of his party was attacked by the Indians, thirteen were killed, and ten injured. Assistance was sent up the river; Colonel Henry Leavenworth with 220 men was sent from Council Bluffs; about 100 men were sent by fur companies, and 700 Dakota Indians joined the war party. The Rees were speedily subdued and treaties of peace were signed by them.

**Civil War Massacres.** A few years before the Civil war began the settlements just started on the Big Sioux

river were threatened by hostile Indians. The settlement at Medary was abandoned in 1858. In 1862 occurred the Indian outbreak in Minnesota, where hundreds of whites were massacred. In the same summer the murder of Judge Joseph Amidon and his son near Sioux Falls, and some trappers near Wessington Springs, filled the people with terror. Governor Jayne called for assistance and several hundred men responded. Stockades were built at the settlements, excepting Sioux Falls, which was abandoned. Struck-by-the-Ree and a band of friendly Yanktons were a great help in protecting the settlers from hostile attacks by the Minnesota Santee Indians. During the Civil war expeditions of soldiers were sent up into North Dakota and out into the Bad Lands, where hostile Indians were repulsed with great loss.

**Black Hills War.** In 1868 a treaty was made with the Sioux Indians whereby they were given a large reservation including the entire Black Hills area. Into this reservation no white settlers or soldiers could enter without permission of the Indians. This treaty was the result of a war which had been kept up between the Indians and whites in eastern Montana and Wyoming, known as the Red Cloud war. About this time rumors came of gold in the Black Hills. In 1874, General George A. Custer was sent with 1,200 soldiers and a few men of science to explore the Black Hills country. Glowing reports of the beautiful country, rich soil, plentiful game, and abundant evidence of gold were sent out. A miner in the party, named William McKay, is said to have made the first authentic discovery of gold in the sand-bars of French creek, in the present site of the city of Custer, August 2nd. The Indians were greatly excited and incensed at this open violation of their treaty, and when miners began to pour into the Hills,—about 11,000 of them by the next spring,—the Indians prepared to fight.

Sitting Bull, Crazy Horse, Gall, Inkpaduta, and Black Moon were the principal leaders among the Indians. In the campaign which followed, most of the fighting took place in Montana. The principal battle was on the Little Big Horn river, June 25, 1876, when Custer and his force of 261 men were completely destroyed. The Indians, however, soon saw that further resistance was useless and went back to their reservations, the leaders remaining in hiding for some time. In the fall of 1876 a new treaty was made whereby the Indians deeded the entire Black Hills country and made other concessions in return for rations of beef or bacon, flour, corn, coffee, sugar, and beans, to be issued regularly to them until they should be able to support themselves.

**The Messiah War.** In 1889, the year South Dakota became a state, a strange religious craze took possession of the western Indians. The delusion started in Nevada, where an Indian claimed to be a Messiah or Christ. Short Bull went with other Indians from the Pine Ridge agency to investigate, and came back a convert to the new faith. Red Cloud, Sitting Bull and other leading Indians soon took up the new religion. A peculiar ghost dance was instituted, which was kept up until the dancers fell exhausted. Previous to the dance a turkish "sweat bath" was taken and many superstitious ceremonies were indulged in. Short Bull soon became the leader, especially among the Pine Ridge Indians, and, declaring himself to be the Christ, he led them to a huge camp in the Bad Lands.

A general discontent prevailed among the Indians, and the agents tried to suppress the craze, especially the ghost dance. Fearing trouble, the United States sent troops to the reservations. In an attempt to arrest Sitting Bull at his home near the mouth of the Grand river, December 15, 1890, an encounter took place in which



Sitting Bull and seven of his allies, together with six Indian policemen, were killed. The only other serious case of bloodshed was in the western portion of the Pine Ridge reservation, along a branch of the White river known as Wounded Knee creek. Troops were sent there to arrest Big Foot and his band. When an attempt was made to disarm them they fired upon the soldiers, and in the fight which followed, about two hundred Indian men, women, and children, and about sixty soldiers were killed and wounded. This was called the "*Battle of Wounded Knee*," occurring December 29, 1890. Early in January, 1891, the hostile Indians surrendered and the troubles were ended. Save for a little "scare" in the western portion of the Cheyenne reservation in 1907, perfect peace and harmony have existed between the Indians and whites since 1890.

**Indian Reservations.** Marked progress has been made by the Dakota Indians. They all wear clothing like white people, most of them have very comfortable houses, and many are very prosperous. The younger generation is much more thrifty and industrious than the Indian of former days.

The Sissetons occupy citizen communities in Roberts and Marshall counties; the Yanktons, in Charles Mix county; and a portion of the Minnesota Santees, in Moody county. The other Indians of the state are located on the following reservations: Rosebud, Pine Ridge, Lower Brule, Crow Creek, Cheyenne River, and Standing Rock.

#### QUESTIONS.

**DAKOTAS DISPLACE REES.** What Indians occupied this territory in 1700? What was the contest between the Dakotas and Rees called? What Dakotas secured the region around Big Stone lake? In the lower James valley? In the upper James valley? West of the Missouri?

**GRAND RIVER MASSACRE.** Give an account of this massacre and the punishment of the Indians.

*CIVIL WAR MASSACRE.* Give an account of the massacres during the civil war? What Indians helped protect white settlers.

*BLACK HILLS WAR.* What treaty was made with the Tetons in 1868? This treaty was the result of what war? Where? Who was sent into the Black Hills country in 1874? What reports were sent out? Where was gold first discovered? What was the effect of the discovery of gold in the Black Hills? Tell what you can of the battles which resulted; about Custer's massacre. When was the Black Hills country given to the whites?

*THE MESSIAH WAR.* In what year did this take place? Tell what you can concerning the religious craze which possessed the Indians. Give an account of the death of Sitting Bull. Of the "Battle of Wounded Knee."

*INDIAN RESERVATIONS.* What is said as to the progress made by Dakota Indians? Where are they now located?



## PART II. SOUTH DAKOTA CIVIL GOVERNMENT

### CHAPTER VIII

#### A REPUBLIC WITHIN A REPUBLIC

**Need for Government.** All acts of people are regulated either by custom or by law. If you notice the reason why you do most things, you will observe that nearly everything is directly regulated by custom and only indirectly controlled by law. Custom controls, government guides. Nearly always the conduct of affairs in the home is controlled by the custom of the home itself. This is true also of the church, the school, and business activities. Self-control is the individual force which regulates custom. Law is the public force which must be applied when self-control and custom do not make the proper adjustment. *Government exists to regulate those acts which custom does not adjust.* There are two reasons why custom does not adjust all acts; (1) because some people are dishonest, untruthful and evil; and (2) because people make mistakes and misunderstand each other. Even though all people were good, we should still need government. It is an accepted saying even of the Better World, that "Order is Heaven's first law."

There is another reason for government. It is needed to provide means for carrying on many activities, such as mail service, money, roads, bridges, education, public health, etc.

**Government Means Guidance.** Thus we see that government is not something to oppress people, as anarchists believe, but is for the good of mankind. The word "government" comes from the Latin *gubernator*, which means "one who guides a ship." The word, therefore, means guidance.

**Monarchy.** There are two forms of government among civilized people today; monarchies and republics. A monarchy (Gr. *monos*, alone + *archein*, to rule) is that form of government in which a king or queen is at the head. In an absolute monarchy the king is not restricted by law. Russia and China are the only absolute monarchies of importance. In a limited monarchy the king or queen has to obey the laws passed by the representatives of the people. In such monarchies as Great Britain the king has almost no governmental power, not nearly so much as the president in a republic, and the people as truly rule as in some republics. Indeed, there are few republics where the people rule so completely as in Great Britain. A monarchy of great extent is sometimes called an empire.

**A Republic.** A republic is that form of government in which representatives of the people make and enforce all laws. The chief ruler is called a president. The words republic (Lat. *res*, affair + *publica*, public) and democracy (Gr. *demos*, people + *kratein*, to rule), as we now use the words, mean very nearly the same. When we speak of a democracy we usually think of the people themselves as ruling. The voters of a township and of a common school district have meetings and decide upon

certain matters. Their government to that extent is a pure democracy.

**Your Complete Address.** Write your complete address, naming the principal governmental divisions. The author would write his as follows: Aberdeen city, Aberdeen township, Brown county, South Dakota, United States. To this might be added street, ward, school district, county commissioner district, judicial district, etc. It is not strange that foreigners often find our government hard to understand, since there are so many divisions for governmental purposes and each part has its own more or less separate method of government.

**Two Governments.** All of these may easily be classified as belonging to two groups, those controlled by the nation and those controlled by the state. We live under a twofold government—national and state. The national government is sometimes called *federal*.

**Three Departments of the National Government.** The federal government has a written constitution, which provides for (1) a lawmaking body, congress, (2) a President and other officers to enforce its laws, and (3) federal courts to try cases involving the constitution and laws of the United States and cases between states or citizens of different states. These are called the three departments of government: (1) legislative, or law-making; (2) executive, or law-enforcing; and (3) judicial, or law-applying. Any government must have these three departments, though in some kingdoms the same officers may exercise powers in all of them.

Congress, which meets each year at Washington, D. C., has passed laws regulating the mail service. If these laws are violated a United States officer, called a United States marshal, may arrest the one who is accused of the crime. A United States court will then try the accused, and if he is found guilty he may be imprisoned in a



United States prison. There are many other affairs that are regulated by the national government, and with these affairs the state has nothing to do.

**Three Departments of State Government.** Each of the states of the Union has its written constitution, and this provides for (1) a law-making department, called the state legislature in South Dakota, (2) a law-enforcing department, the governor being the principal executive officer, and (3) a law-applying department in the courts of the state. Thus the state legislature has passed laws regulating insurance and fire protection. If these laws are violated the accused person is arrested by a sheriff, constable, or policeman, is tried before a judge of the state courts, and if sentenced to prison he is taken to the state penitentiary. In all of these matters the national government has no part whatever.

Affairs are not always so simple as in these two cases, for some are regulated in part by the nation and in part by the state. On the whole, however, the beginner would do well to think of these two governments as completely separate and independent, each with its own powers and a complete set of officers. The federal officers have nothing to do with state laws and state officers\* have nothing to do with federal laws.

**A Republic Within a Republic.** The United States is a republic because the government is carried on by officers chosen by the people. For the same reason South Dakota is a republic, and we have already noticed that the name "Dakota" has the beautiful meaning, "A Republic of Friends." Thus each state of our Union is a republic within a republic, each with its own laws, powers and duties. The following in parallel columns shows the general plan of the federal government and of the state government:

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\* County, township, city, town and school district officers are, strictly speaking, state officers within the county, township, etc. Thus the county sheriff arrests any who violate state laws within his county. (See Chapter xi.)



U. S. Capitol.



State Capitol.

### LEGISLATIVE DEPARTMENT.

#### UNITED STATES.

CONGRESS meets once a year at Washington, D. C., and makes laws for the nation.

Consists of two bodies of men, a senate and a house of representatives.

The federal senate is made up of two senators from each state, chosen by the state legislature. Term six years.

The presiding officer is the Vice President of the United States.

The federal house of representatives is made up of representatives elected by the different states; the number from a state depends upon its population. Term two years.

The presiding officer is called the speaker.

### EXECUTIVE DEPARTMENT.

PRESIDENT of the United States, the chief executive officer. Elected for four years.

Many other federal officers to enforce federal laws.

Vice-President of the United States, fills vacancy in office of President.

Is president of the U. S. senate.

### JUDICIAL DEPARTMENT.

UNITED STATES COURTS, with judges and other officers to decide whether a federal law has been violated or applies in a given case.

Judges appointed by President.

United States Supreme Court. Nine judges, meet at Washington. Appointed for life.

United States circuit courts. Nine in the United States. Several judges in each circuit. Appointed for life.

United States District Court. At least one for each state. One judge in each United States district, appointed for life.

(U. S. has no court corresponding to this. Court commissioner is nearest like it.)

#### SOUTH DAKOTA.

LEGISLATURE meets once every two years at Pierre and makes laws for the state.

Consists of two bodies of men, a senate and a house of representatives.

The state senate is made up of senators elected by the voters of districts made up of one or more counties. Term two years.

The presiding officer is the Lieutenant-Governor of the state.

The state house of representatives is made up of representatives elected by the voters of districts consisting of one or more counties. The number from any district depends upon its population. Term two years.

The presiding officer is called the speaker.

GOVERNOR of South Dakota, the chief executive officer. Elected for two years.

Many other state officers to enforce state laws.

Lieutenant-Governor of South Dakota, fills vacancy in office of governor.

Is president of the state senate.

STATE COURTS, with judges and other officers to decide whether a state law has been violated or applies in a given case.

Judges elected.

South Dakota Supreme Court. Five judges, meet at Pierre. Elected for six years.

State circuit courts. Twelve in the state. One judge in each circuit. Elected for four years.

(State has no court corresponding to this. State circuit court and, sometimes, county court, is nearest like it.)

Justice of the peace. Two elected for two years by each city, township and town in the state (see p. 177).

**Division of Powers.** All governmental powers are exercised either by the state or by the nation. The division of the powers of government in Canada is on the opposite plan from ours. The constitution of that country (called "The British North America Act of 1867") provides that certain named powers are given to the states (called provinces), and *all other powers shall belong to the federal government* (called the Dominion). Now, our federal constitution provides that the national government shall have certain named powers *and all others shall belong to the states*. Following are some of the powers exercised by the national government which the states do not have:

**Exclusive National Powers.** The national government has power to coin money and punish counterfeiting; to make war and peace and control the army and navy; to make treaties with foreign nations; to regulate commerce with foreign nations, with Indians, and between states; to settle disputes between the states or between citizens of different states; to punish crimes on the high seas; to admit new states into the Union and to govern all territories and possessions of the United States, and the District of Columbia; to regulate the election of President and members of congress; to provide how foreigners may become citizens; to provide bankruptcy laws; to provide for the mail service.

**State Powers.** Among the many governmental powers carried on by a state, over which the nation has little or no direct control, may be named the following: The punishment of people within the state who violate state laws; the regulation of commerce which is wholly within the state; to decide who may vote; to carry on a system of public schools; to regulate contracts, marriage and divorce; to conduct all elections of local, state, and federal officers; to care for insane and other defectives;

to regulate the practice of medicine, dentistry, etc.; to regulate insurance; to regulate deeds, mortgages, and sales of land and other property; to protect life and property. There are a great many other affairs which are left almost entirely to the states to control and adjust.

**Concurrent Powers.** There are many powers in which both the federal government and the state government have a share. Both may tax people, industries and property; both may encourage agriculture, manufacturing, education and other activities; both may provide for the public health, good roads, drainage, irrigation and a great many other public undertakings. We have national banking laws regulating national banks and state banking laws regulating state banks.

**Nation Supreme.** The constitution of the United States denies some powers to both the federal and state governments. (See Article I, Sections 9 and 10.) These we shall study later. It is well to remember that while these two governments apply to each person, and each government has practically nothing to do with the other, the federal government is always supreme and in case of conflict or disagreement of laws, the state must give way to the nation.

*“All political power is inherent in the people, and all free government is founded on their authority and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. AND THE STATE OF SOUTH DAKOTA IS AN INSEPARABLE PART OF THE AMERICAN UNION, AND THE CONSTITUTION OF THE UNITED STATES IS THE SUPREME LAW OF THE LAND.”—Constitution of South Dakota.*

## QUESTIONS.

**NEED FOR GOVERNMENT.** What two forces regulate all acts? Which one regulates most acts? When must law be applied? Why does the government exist? Why does not custom regulate all acts? Should we need government if all people were good? Why? What other reason is there for having government?

*GOVERNMENT MEANS GUIDANCE.* What mistake is made by anarchists? From what does the word government come?

*MONARCHY.* What are the two forms of government among nations today? Define monarchy. Absolute monarchy,—examples. Limited monarchy,—examples. Empire.

*REPUBLIC.* What is a republic? What is the chief ruler called? What is a democracy?

*YOUR COMPLETE ADDRESS.* Name the five common governmental divisions. What others are there?

*TWO GOVERNMENTS.* Show the two-fold character of government in this country.

*THREE DEPARTMENTS OF THE NATIONAL GOVERNMENT.* Name the three departments and explain each. Give an example of a United States law and its enforcement. Explain the functions of congress, a United States marshal, a United States court.

*THREE DEPARTMENTS OF STATE GOVERNMENT.* Explain them. Who exercises the functions of each in South Dakota? Give an example of a state law and its enforcement.

*A REPUBLIC WITHIN A REPUBLIC.* Show that South Dakota is "a republic within a republic."

*OUTLINE IN PARALLEL COLUMNS.* Study these so thoroughly that when a topic is read from one column you can repeat the corresponding one from the other column. Practice doing this by covering up one side, reading the other, and seeing whether you can repeat the column covered up. *Do not fail to master this portion.*

*DIVISION OF POWERS.* Between whom is all governmental power divided? How is the division made in Canada? How in the United States?

*EXCLUSIVE NATIONAL POWERS.* Name ten powers which the federal government has over which the state has nothing to do without permission of the United States.

*STATE POWERS.* Name the powers exercised by a state.

*CONCURRENT POWERS.* Name ten powers which are carried on by both the national government and the state government.

*NATION SUPREME.* In case of conflict of powers, which of these two governments is supreme?





Fig. 63. Senate, Session 1911.



Fig. 64. House of Representatives, Session 1911.

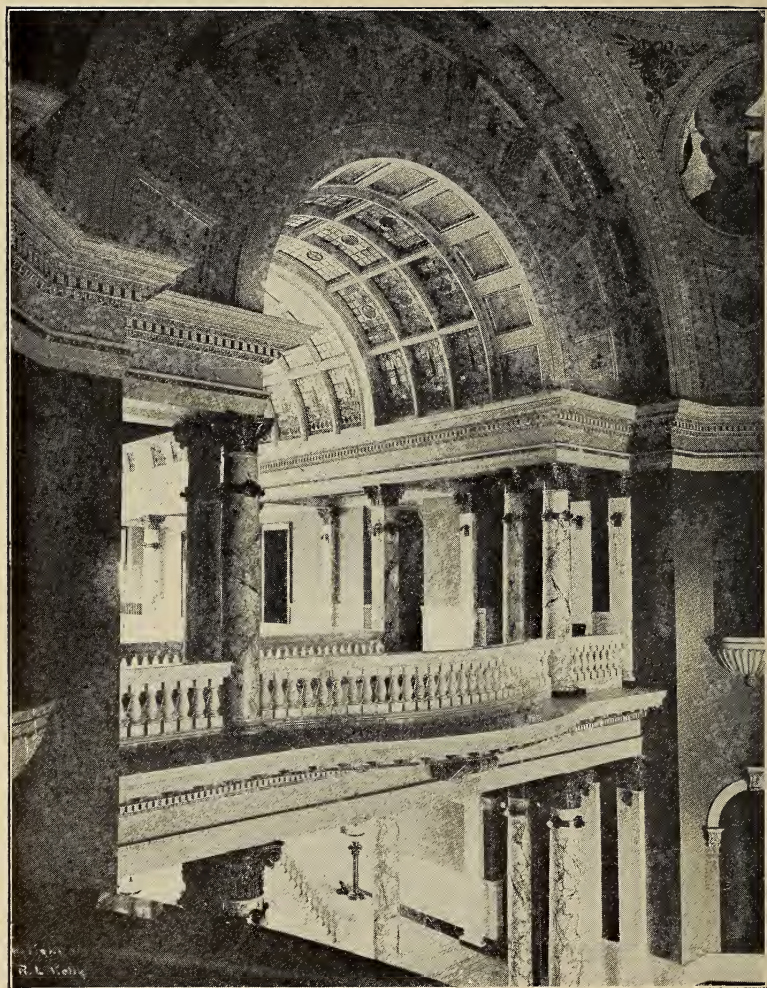


Fig. 65. An Interior View in Hall of the State Capitol.

## CHAPTER IX

### THE LEGISLATIVE DEPARTMENT

The constitution of South Dakota provides for two methods of securing laws, (1) by the legislature and (2) by the initiative and referendum. Ordinarily the legislature passes all of our laws, so let us study that first.

**The State Legislature.** The legislature consists of two bodies of men, the senate and the house of representatives. Every two years the legislature meets at the capitol building at Pierre. Their places of meeting are two large and beautiful rooms called the "senate chamber" and the "hall of representatives." The governor may call special sessions of the legislature whenever necessary. Regular sessions begin at noon on the Tuesday following the first Monday in January of odd-numbered years (1909, 1911, etc.).

**The Senate.** The number of senators cannot be less than 25 nor more than 45 (see state constitution, Article III, section 2). Since 1899 the number has been 45 and it is not likely that it will be made less. Do not confuse the state senate with the United States senate (see Chapter VIII).

**The House of Representatives.** The number of representatives cannot be less than 75 nor more than 135. The number at the meeting of the legislature in 1911 was 104. In 1913, and probably for some time after that, the number will be 103.

**Legislative Districts.** At the first regular session after a state or federal census is taken the legislature must



divide the state into senatorial districts, decide what counties shall be in each district and how many senators may be elected by the voters in each district. The federal census was taken in 1910. In 1911 the legislature provided that the state senate should consist of forty-five senators to be elected from forty-two senatorial districts as follows (the number of the district is given, the county or counties in the district and in parenthesis the number of senators elected in it):

1. Union (1). 2. Clay (1). 3. Yankton (1). 4. Bon Homme (1). 5. Lincoln (1). 6. Turner (1). 7. Hutchinson (1). 8. Charles Mix (1). 9. Aurora and Douglas (1). 10. Minnehaha (2). 11. Hanson and McCook (1). 12. Miner and Sanborn (1). 13. Davison (1). 14. Harding and Perkins (1). 15. Lyman (1). 16. Brule, Buffalo and Jerauld (1). 17. Gregory (1). 18. Moody (1). 19. Lake (1). 20. Brookings (1). 21. Kingsbury (1). 22. Beadle (1). 23. Hand and Hyde (1). 24. Hughes and Sully (1). 25. Stanley (1). 26. Tripp and the unorganized county of Mellette (1). 27. Hamlin and Deuel (1). 28. Codington (1). 29. Clark (1). 30. Spink (1). 31. Grant (1). 32. Roberts (1). 33. Marshall (1). 34. Day (1). 35. Brown (2). 36. Dewey, Faulk and Potter (1). 37. Corson, Edmunds and Walworth (1). 38. Campbell and McPherson (1). 39. Butte and Lawrence (2). 40. Pennington (1). 41. Meade and Ziebach (1). 42. Custer and Fall River (1).

The legislature of 1911 also provided that the house of representatives should consist of 103 members, to be elected from fifty-nine representative districts as follows:

1. Union (2). 2. Clay (1). 3. Yankton (2). 4. Bon Homme (2). 5. Lincoln (2). 6. Turner (3). 7. Hutchinson (2). 8. Douglas (1). 9. Charles Mix (3). 10. Minnehaha (5). 11. McCook (2). 12. Hanson (1). 13. Davison (2). 14. Sanborn (1). 15. Aurora (1). 16. Jerauld (1). 17. Brule (1). 18. Miner (1). 19. Gregory (2). 20. Lake (2). 21. Moody (1). 22. Brookings (3). 23. Kingsbury (2). 24. Beadle (3). 25. Hand (1). 26. Hughes (1). 27. Stanley (3). 28. Lyman (2). 29. Deuel (1). 30. Hamlin (1). 31. Codington (3). 32. Clark (2). 33. Spink (3). 34. Grant (2). 35. Roberts (3). 36. Marshall (1). 37. Day (3). 38. Brown (4). 39. Faulk (1). 40. Potter (1). 41. Edmunds (1). 42. Walworth (1). 43. Campbell (1). 44. McPherson (1). 45. Custer (1). 46. Fall River (1). 47. Pennington (2). 48. Lawrence (4). 49. Meade (2). 50. Butte (1). 51. Hyde (1). 52. Sully (1). 53. Buffalo (1). 54. Tripp and the unorganized county of Mellette (1). 55. Harding (1). 56. Perkins (2). 57. Corson (1). 58. Dewey and Ziebach (1). 59. Deuel and Hamlin (1).

In 1915 the state census will be taken. The next regular meeting of the legislature after this will be in 1917. A new districting of the state will have to be made then by the legislature for the electing of senators and representatives in the fall of 1918. This districting of the state from time to time is necessary because the population of different portions of the state changes somewhat and the number of senators and representatives from any part of the state depends upon the population. One of the purposes of taking the census is to make a fair division into districts and a just apportionment.

tionment of senators and representatives. The United States takes a census of the entire country every year divisible by ten so that representatives in congress may be apportioned among the states according to population. Five years later the state takes a census.

**CONGRESSIONAL DISTRICTS.** The legislature of South Dakota in 1911 provided that if congress allows three representatives to be sent from this state to the federal house of representatives, they shall be elected by districts as follows: District number *one*, the portion of the state east of the Missouri river and south of the line forming the southern boundaries of Hyde, Hand, Beadle, Kingsbury and Brookings counties. District number *two*, the remainder of the state east of the Missouri river. District number *three*, the remainder of the state. In case but two representatives are elected they are to be chosen "at large," that is, from any part of the state.

**Qualifications of Members.** To be a senator or representative one must (1) be a citizen of the United States, (2) be a voter in the district from which he is chosen, (3) be twenty-five years old or more, (4) be a resident of the state for two years before his election, (5) never have been convicted of bribery or other infamous crime or failed to account for public money trusted to him, and (6) not hold a lucrative office under the state or the United States or any foreign government (appointments in the militia, the offices of notary public, justice of the peace and postmasters whose compensation does not exceed \$300 each year are excepted and such persons may be elected).

**Terms and Vacancies.** The term of senator and representative is two years. They are elected on the Tuesday after the first Monday in November of every even-numbered year (1910, 1912, etc.). A vacancy may be caused by death, resignation, removal from the state or expulsion from the senate or from the house of representatives by the members thereof. In case of a vacancy the governor may call a special election in the district where the vacancy occurs.

**SALARY.** The salary of a member is five dollars for each day's attendance and ten cents a mile necessarily traveled in going to Pierre and returning again. The latter is called mileage.



**Sessions.** The regular sessions cannot exceed sixty days excepting in cases of impeachment.

**Oath.** The constitution prescribes a solemn oath which each member takes. The oath is usually administered by one of the judges of the state supreme court to the presiding officer, and he administers it to the others. Read carefully this oath (see Article III, Section 8).

**Contests.** "Each house shall be the judge of the election returns and qualifications of its own members." This means that in case a dispute arises as to who is elected in any district, the matter is finally settled by the house of representatives or the senate, as the case may be. A committee is appointed to investigate and report, and then, after debate, the question as to who is entitled to the "contested seat" is voted upon. If it is claimed that some one elected to either house does not possess the six necessary qualifications, this matter is investigated and decided in a similar manner.

**Quorum.** By a quorum of any body or group is meant a sufficient number to act for the body or group. In a literary society it is often provided that if there be a certain number of members present at a meeting, say ten, these may carry on the society's business, and if there be less than that number no business can be transacted. In that case, ten members would constitute a quorum. In nearly all governmental bodies, such as a board of county commissioners, a city council, or one of the houses of the legislature or of Congress, a majority (that is, over one-half) constitutes a quorum. If a less number be present, no business can be transacted excepting to adjourn for one day or send for absent members.

**Presiding Officer of the Senate.** The presiding officer of the senate is the lieutenant governor, elected for two years by the people of the state.

“The lieutenant governor of the state shall be president of the senate. He may vote only when the senate is equally divided. The senate shall elect a president *pro tempore* for the session, who shall possess all the powers and prerogatives of the president of the senate in the absence of the lieutenant governor.”

“When any member is about to speak or deliver any matter to the senate, he shall arise from his seat and address himself to ‘Mr. President,’ and shall confine himself to the question under debate and avoid personalities.”—Rules of the Senate.

To “avoid personalities” the members of both houses when making speeches refer to one another as “the gentleman from \_\_\_\_\_ county,” “the senator who has just spoken,” or in some other way avoid using his name wherever possible.

“Each house shall determine the rules of its proceedings, shall choose its own officers and employes and fix the pay thereof, except as otherwise provided in this constitution.”—Art. III, Sec. 8, Const.

Sometimes legislatures appoint more officers and employes than are really needed and to prevent this the legislature passed a law in 1909 providing just what officers and employes should be chosen by each house. A portion of the law is as follows:

“The elective officers of the senate other than the president *pro tempore*, shall be: One secretary, one first assistant secretary, one second assistant secretary, one bill clerk, one trained proof reader, who shall be clerk of the committee on senate journals, one chief of the enrolling and engrossing force, who shall be an expert typewriter, one chaplain, one sergeant-of-arms, one postmaster, three pages and one messenger, who shall have charge of the printed bills, and who shall also assist the postmaster and sergeant-at-arms when necessary. The compensation of such officers shall be fixed by the senate, but all of the remaining employes of the senate shall be appointed by the president of the senate as herein provided.”

The *secretary* has many important duties. He receives all bills (proposed laws) introduced by senators or passed by the house of representatives and sent to the senate. He reads them aloud to the senate, calls the roll and records the votes of members and attests the signature of the president of the senate to each bill or resolution which passes the senate.

The *bill clerk* records what action is taken on each bill or resolution. The *proof reader* is of special value in seeing that spelling, punctuation and wording is correct in

the legislative proceedings. The *chief of the enrolling and engrossing force* has charge of the copying of all the bills and resolutions. After a bill has passed one house it is "engrossed" by being carefully typewritten. After it passes the other house it is "enrolled" by being again typewritten and made ready for the signature of the governor. A carbon copy is made to be sent to the printer who publishes the laws, the original being filed with the secretary of state.

The *chaplain* is a minister who offers prayer at the opening of each session. The *sergeant-at-arms* preserves order. The *postmaster* conducts a postoffice at the capitol during the session for the convenience of the members, being sworn in as a regular United States postmaster. *Pages* are bright boys who run on errands for the members.

**Officers of the House of Representatives.** The presiding officer of this body is called the "*Speaker*," an old English term, which we have adopted from the house of commons of parliament. He was called the speaker because he always spoke for the king. The speaker of the house of representatives is elected by the house from its own members. He is always addressed as "Mr. Speaker." When he is absent the member who is presiding is called "Mr. Chairman."

The house of representatives has other officers almost exactly like those of the senate, the principal exception being that the one who records the proceedings in the house journal is called *chief clerk* instead of secretary.

**Rules.** A few selections are here made from rules usually adopted by the senate and the house. These are not the most important rules, but are selected to show how certain things are done. Each house adopts its own rules and these are changed somewhat from time to time.

## RULES OF THE SENATE.

"The senate shall keep a journal of its proceedings, which shall be printed daily in pamphlet form and laid on the desks of senators and officers the following morning."

"The senate may punish its members for disorderly behavior and, with the concurrence of two-thirds of all the members elected, expel a member."

"Any five senators may make a call of the senate and require absent senators to be sent for."

"A bill may be referred to a committee without reading, but shall be read before being amended and may be amended in every particular on second reading. No amendment shall be in order at the third reading of a bill unless by unanimous consent."

"Every bill shall be read three separate times, but the first and second reading may be on the same day, and the second reading may be by title of the bill, unless the reading at length be demanded. The first and third reading shall be at length."

## RULES OF THE HOUSE OF REPRESENTATIVES.

"Any thirteen members of the house of representatives may order a call of the house and cause absent members to be sent for."

"The speaker shall rise to put the question (to a vote), but may state it by sitting and shall put all questions in the form, to-wit:

"'As many as are in favor say aye,' and after the affirmative vote is expressed, 'As many as are opposed say no.' If he doubts (which vote is the larger), or a division is called for by two or more members, the house shall divide: those in the affirmative of the question shall first rise from their seats and remain standing until counted, and then those in the negative in like manner, and the speaker shall announce the vote and declare the result."

"The yeas and nays (roll-call, the members voting yea or nay as their names are called) shall not be ordered unless demanded by three members, except upon the final passage of bills, or joint resolutions, *in which case the yeas and nays shall be had without demand.*"

These last two rules give the three methods of voting in use in both houses: (1) *Viva voce* (Lat. *viva*, by the living; *voce*, voice) or *ayes and noes*; (2) rising vote, or *division*; and (3) roll call or *yeas and nays*.

**Joint Rules.** Certain rules are adopted by both houses for the regulation of those things which require co-operation. Some of them, as usually adopted, are as follows:

"Communications between the senate and house of representatives shall be by message, which shall be signed by the secretary (of the senate) or chief clerk (of the house), respectively, and taken by him to the house to which it is addressed, and after being announced by the sergeant-at-arms and recognized by the presiding officer, shall be respectfully communicated by title only."

**CONFERENCE COMMITTEE.** "In every case of disagreement between the two houses, if either house requests a conference and ap-

points a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement.”

**ENROLLMENT COMMITTEE.** “After a bill has passed both houses it shall be enrolled and examined by a committee of two members from the senate and three members from the house of representatives, who shall compare it with the engrossed bills as passed by both houses.”

“Each enrolled bill so reported (by this committee) shall then be signed in each house, first by the speaker and chief clerk of the house of representatives, and then by the president and secretary of the senate.”

“The joint committee shall present all bills so signed to the governor for his approval, and report to each house the day and hour of such presentation to the governor, which time shall be carefully noted in the journal of each house.”

“When a bill or resolution, which shall have passed one house, is rejected by the other, information thereof shall be given to the house in which the same shall have passed.”

“While the two houses are acting together upon elections (of United States senator, for example) or any other matter, the president of the senate shall preside. A call of the members of either house may be had in joint session by order of the house in which the call is desired.”

**Organization of the Legislature.** When the members elected to the state legislature meet at the capitol on the Tuesday after the first Monday in January, the senators meet in the senate chamber and are called to order by the lieutenant governor. After prayer, the list of those elected is read, the senators responding as their names are called. If a quorum (a majority) is present, the oath of office is taken by each member and the senate proceeds to elect officers. Then notice is sent to the house of representatives and to the governor that the senate has organized and is ready to meet with the house to listen to the message of the governor. The house of representatives organizes in the same manner, the secretary of state or the chief clerk of the last house of representatives presides until a speaker has been elected. When both houses have organized, the senators pass to the hall of representatives and meet with them to listen to the governor’s message.



**Governor's Message.** After the houses have assembled in the hall of representatives the governor and other state officers and the judges of the state supreme court pass in. The governor reads his message, reviewing the events of his two years' term and suggesting important needs of the state. If a change has been made in governors, the newly-elected one takes the oath of office and delivers an address to the legislature.

**Committees.** The rules of each house provide for many committees to consider such matters as education, agriculture, railroads, appropriations, temperance, public health, rules, engrossed and enrolled bills, etc. All bills or resolutions are referred to the proper committees.

It is the custom to have the lieutenant governor appoint all committees of the senate. The speaker of the house of representatives appoints all of the committees of that body. Each committee has frequent meetings and whatever it decides as to what should be done with a bill given to it is usually accepted by the house, to which it reports.

The "*committee of the whole*" is the entire house acting as a committee. The presiding officer calls some member to take the chair and there is a general discussion. No action is then taken on any bill excepting to "rise and report." When the committee of the whole "rises," that is, ceases to act as a committee, the one who was chairman reports its conclusions to the regular presiding officer and a vote is taken on this report. Naturally if the entire house, acting as a committee, agrees to pass a bill, when the same men act as a legislative body they will pass the bill as agreed upon. The purpose of "resolving into a committee of the whole house" is to have an informal discussion, of which no record is kept before binding action is taken.

**How a Bill Becomes a Law.** A bill is a proposed law or amendment to a law. A senator may introduce any bill (excepting a bill of impeachment) in the senate and a member of the house of representatives may introduce any bill in that body. The writing of a proposed law is called "framing a bill," and may be done by any person.

**Form of a Bill.** The form in which a bill is written is shown in the one which is reproduced here. The bill must contain (a) the name of the senator or representative who introduces it; (b) a title, "A bill for an act, etc."; (c) the enacting clause, "Be it enacted by the legislature of the state of South Dakota"; and (d) the proposed law.

**The Usual Steps.** The following are the usual steps by which a bill becomes a law:

1. A bill is introduced by a member, who announces the fact at the time set apart each day for the introduction of bills.

2. It is then referred to the appropriate committee.

3. After the committee has considered the bill it is reported back, usually with the recommendation that it "do pass," or that it "do not pass."

4. It is read three times. (See the senate rule.) It may be amended by the committee or by the house at any time before the third reading.

5. It is debated.

6. It is engrossed for the third reading, amendments being included. The roll is called and the votes (yea or nay) are recorded.

7. To pass it must receive the favorable vote of a majority of the members elected to the house, unless it provides for (a) special appropriations or (b) has an emergency clause providing that the law shall go into effect immediately after its passage and approval. In these two cases the bill must receive a two-thirds vote.

8. The engrossed bill is then sent to the other house.

9. The other house proceeds in much the same manner as in the house where the bill originated.

10. If it passes *unchanged*, it is enrolled by rewriting it with suitable changes in the heading.

# HOUSE BILL No. 192

Introduced by Mr. Van Camp

## A BILL

For an Act Amending Section 147 of Chapter 135 of the Session Laws of the State of South Dakota of 1909, Providing for Tuition for Eighth Grade Graduates.

*Be it Enacted by the Legislature of the State of South Dakota:*

Section 1. That Section 147 of the laws of 1907, as amended by Chapter 150 of the Session Laws of 1909, be and the same is hereby amended to read as follows:

1 Tuition for Eighth Grade Graduates] Any pupil who shall  
2 successfully complete the work of the eighth grade as established  
3 in the state course of study and who shall hold a common school  
4 diploma granted by the county superintendent is privileged  
5 to continue his school work up to and including the twelfth  
6 grade by attending any graded school, high school, or normal  
7 school, in the state furnishing a higher course of study; and  
8 not to exceed \$2.00 per month of the tuition charge therefore  
9 shall be paid by the board of his home district from the general  
10 fund thereof provided his home district does not provide instruc-  
11 tion in such higher grades, and any tuition charge in excess of  
12 said \$2.00 per month, which in addition thereto shall not exceed  
13 the actual per capita cost per month of schooling a student in  
14 such graded school, shall be paid by parent or guardian.

Section 2.

1 All acts or parts of acts in conflict with this act are hereby  
2 repealed.

11. The joint committee on enrolled bills presents the bill to the governor for his signature.

12. The bill becomes a law (a) if the governor signs it; (b) if he fails to sign it or disapprove it within three days (he is given ten days at the close of the session); (c) or if he vetoes it by returning it to the house where it originated, with his objections, providing it passes both houses again by a two-thirds vote. If the legislature has adjourned his veto is final if he files the bill with his objections in the office of the secretary of state.

**Powers Denied the Legislature.** There are a number of powers which are denied the legislature. The legislature may not pass a law which provides that the county seat of some county is to be changed. Such laws must be general—that is, must provide how any county may change the county seat. This is true of several other matters named in Article III, Section 23, of the constitution.

An *ex post facto* law may not be passed by the legislature. This is a law which would punish a person for doing something which was not a crime at that time or which would increase the punishment of a crime already committed. It is not a crime at present for a woman to wear the body of a song bird on her hat. If the legislature were to make this a crime and make the law apply to those who wore them when it was not against the law, this would be an *ex post facto* law (*ex*, from; *post*, after; *facto*, the deed) and would be unconstitutional.

“No person shall be attainted of treason or felony by the legislature.” It is not the proper work of the legislature to try persons who are accused of crime and punish them. This is the work of the courts. See “treason” and “felony” in the Glossary.

“The legislature shall not authorize any game of chance, lottery or gift enterprise, under any pretense or

for any purpose whatever." All forms of lotteries, betting, raffling, selling or buying "chances" on a prize, playing games for money or a prize are classed as gambling and are unlawful.

Other powers denied the legislature are found in the state constitution, Art. III, sections 24, 26; VI, 3, 4, 14, 18; VIII, 16; XII, 3; XIII, 1, 2; XVII, 9, 10.

**Impeachment.** The constitution provides that state officers and judges of the supreme and circuit courts may be removed from office by the legislature through an impeachment process. An impeachment is a resolution passed by the house of representatives accusing some state officer or judge of a crime or misconduct. After the officer has been impeached (accused) by the house of representatives, he is tried by the senate. If the governor or lieutenant governor is impeached, the presiding judge of the supreme court presides over the senate during the trial. To find the accused officer guilty it requires a two-thirds vote of all of the senators elected. After an officer has been impeached by the house of representatives he cannot exercise the duties of his office until he is acquitted by the senate. If he is found guilty by the senate he may be removed from office and disqualified from ever again holding any office under the state. While the senate cannot inflict any further punishment, the accused may be re-arrested and tried in the courts just the same as though no impeachment process had begun.

**Privileges of Members.** The members of the legislature are given two privileges to protect them from interruption while attending to their duties and to permit them to speak freely while in session. (1) A member is free from arrest during a session of the legislature or while going to or from a session except for treason, felony (see glossary) or breach of the peace. (2) For anything said by a member in any speech or debate in either house



he is not subject to arrest or punishment excepting by the house itself.

**Law in Effect.** Ordinarily a law does not go into effect until ninety days after the legislature adjourns. This is to give the people time to learn what laws have been passed. When it is very important that there be no delay and it is desired to have a law go into effect at once, if two-thirds of the members elected to each house are in favor of it an emergency is declared to exist and the law goes into effect as soon as it is approved by the governor. A long delay may be brought about by the use of the referendum.

**Initiative and Referendum.** At the beginning of this chapter it was stated that there are two ways of securing laws in South Dakota. We have studied the legislature and its work, now let us see how the people may secure laws by another method or may disapprove of laws passed by the legislature.

If the legislature does not pass a law that is desired by the people, a petition containing the proposed law may be signed by five per cent or more of the voters and the legislature must provide that the proposed law be submitted to a vote of the people at the next general election. Any person or group of persons may prepare the petition and write out the proposed law. The first part of this process, the proposing a law by five per cent of the voters, is called the *initiative* (Lat. *initiare*, to begin). The second part, the referring of it to the voters, is called the *referendum* (Lat. *re*, back + *ferre*, to carry). The legislature should pass a law and before the law goes into effect a petition signed by five per cent of the voters is presented to the secretary of state asking that the law be submitted to a vote of the people, the law does not go into effect unless it is approved by the voters at the next general election. If a majority of those who vote on the

law are in favor of it, the law goes into effect, otherwise it does not. By means of the referendum a good law may be kept from going into effect until the next general election, usually a year and a half after it is passed, if five per cent of the voters sign a referendum petition for it. As there are some laws which should not be delayed, the constitution provides that the referendum shall not be applied to "such laws as may be necessary for the immediate preservation of the public peace, health or safety, support of the state government and its existing public institutions." "The enacting clause of all laws approved by a vote of the electors (voters) of the state shall be 'Be it enacted by the people of South Dakota.'" The initiative and referendum may be applied in a similar manner by voters in a city to actions of the city council or commission.

**To Amend the Constitution.** While, on the whole, our state constitution is good and we are well satisfied with its principal provisions, it is far from perfect, and so from time to time portions of it need to be changed. Two steps are necessary to amend the constitution. (1) The legislature may propose an amendment. (2) At the next regular election the proposed amendment is voted upon and if it is approved or ratified by a majority of those who vote on the amendment it becomes a part of the constitution.

### QUESTIONS.

**PREAMBLE.** Repeat the preamble to the constitution of South Dakota; of the United States.

**THE STATE LEGISLATURE.** What two methods are provided in the constitution for securing laws? Which method is usually followed? Of what does the legislature consist? How often does the legislature meet? Where does each house meet? When do the regular sessions begin?

**THE SENATE.** How small may this body be? How large? What has usually been the number? What caution is given concerning confusion with the United States Senate?

*THE HOUSE OF REPRESENTATIVES.* How small may this body be? How large?

*LEGISLATIVE DISTRICTS.* How often must the legislature divide the state into districts for electing senators and representatives? Why is this done? Why is the census taken? By whom? In which senatorial district is your home? How many senators are elected in this district? In which representative district is your home? How many representatives are elected from this district? When will the legislature again district the state? Why is the census taken? When?

*QUALIFICATIONS OF MEMBERS.* To be a senator or representative, what six qualifications must one have?

*TERM AND VACANCIES.* What is the term of a senator or representative? When are they elected? When does the term begin? How may a vacancy be caused? How filled?

*SALARY.* What is the salary of a member of the legislature? Mileage?

*SESSIONS.* What is the length of a regular session of the legislature? What exceptions?

*OATH.* What oath is taken by members?

*CONTESTS.* What is meant by a contested election? How settled?

*QUORUM.* What is meant by a quorum? What number constitutes a quorum of each house of the legislature?

*PRESIDING OFFICER OF THE SENATE.* Who is the presiding officer of the senate? How chosen? His salary? When does he vote in the senate? Term? What is the president *pro tempore*? How chosen? How is the presiding officer of the senate addressed? Name the other officers and their duties. What is an engrossed bill? An enrolled bill?

*OFFICERS OF THE HOUSE OF REPRESENTATIVES.* Who is the presiding officer? Give the origin of the term. How is he addressed? What other officers has the house of representatives?

*RULES OF THE SENATE.* What are the senate rules concerning (1) journal, (2) punishment of members, (3) call of senate, (4) amendment of bills, (5) reading of bills?

*RULES OF HOUSE OF REPRESENTATIVES.* What are the house rules concerning (1) call of the house, (2) the putting of a question, (3) the yeas and nays? Name and explain the three methods of voting.

*JOINT RULES.* How are all communications between houses carried on? What is a conference committee? Tell about the enrollment of a bill. Explain what is done with an enrolled bill. Who presides at a joint meeting of both houses?

*ORGANIZATION OF LEGISLATURE.* When does the legislature meet? Where? What are the rooms called in which the two bodies meet? In organizing, what is done first? What next? Explain the further proceedings.

*GOVERNOR'S MESSAGE.* What does the governor include in his message? Who are present when it is read? Where?

**COMMITTEES.** Name some of the principal committees. How are they chosen? What are their duties? What is the "committee of the whole?"

**HOW A BILL BECOMES A LAW.** What is a bill? Who may introduce one? What is meant by "framing a bill"?

**FORM OF A BILL.** What are the four necessary parts of a bill?

**THE USUAL STEPS.** Name all of the steps by which a bill becomes a law.

**POWERS DENIED THE LEGISLATURE.** Name some of the special laws which the legislature may not pass. What is an *ex post facto* law? Give an example. What other powers are denied the legislature?

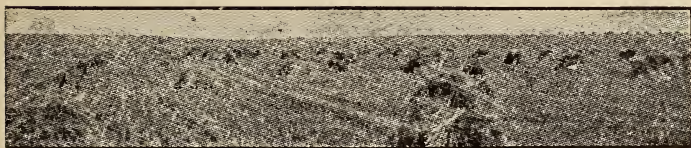
**IMPEACHMENT.** Who may be impeached? What is impeachment? Who may pass a bill of impeachment? After an officer has been impeached, where is he tried? What punishment may be inflicted by the senate?

**PRIVILEGES OF MEMBERS.** What two privileges are given members of the legislature?

**LAW IN EFFECT.** Ordinarily, when does a law go into effect? Under what conditions may a law go into effect at once?

**INITIATIVE AND REFERENDUM.** Carefully explain the initiative and referendum.

**TO AMEND THE CONSTITUTION.** What two steps are necessary to amend the constitution?



## CHAPTER X

### THE EXECUTIVE DEPARTMENT

*“Rulers are not a terror to good works, but to the evil.”*

#### Elective Officers

**Governor.** The governor is the principal executive officer of the state. South Dakota has always chosen for this high office men of noble qualities and pure lives, men who have been an honor and credit to this great state.

**Term and Qualifications.** The governor is elected by the voters of the state for a term of two years. He may be re-elected any number of times, but it is customary in this state not to elect the same person for more than two terms. To be governor one must be (1) a citizen of the United States, (2) a voter, (3) at least thirty years old, and (4) must have lived in the state two years next preceding his election. During the term for which he was elected governor he cannot hold any other office.

**Powers and Duties.** The duties of the governor are summarized in these two provisions of the law: “He shall supervise the official conduct of all executive and ministerial officers. He shall see that the laws of the state are faithfully and impartially executed.”

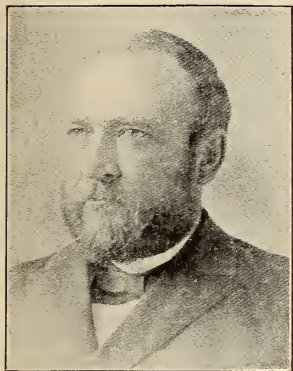
He is commander-in-chief of the state militia,\* except-

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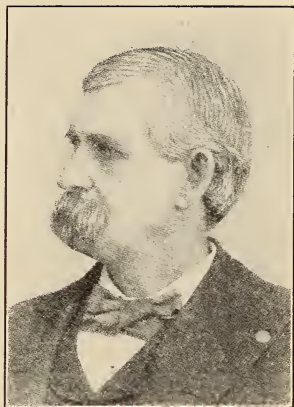
\* The unorganized militia consists of all able-bodied male citizens who are residents of the state and are between the ages of eighteen and forty-five. The organized militia is known as the South Dakota state guard and its officers and members have an annual encampment at Lake Kampeska, near Watertown. The governor appoints an *adjutant general*, who has active charge of the state guard, inspecting companies, supervising their drill, taking charge of their equipment, etc. His military rank is brigadier general. The assistant adjutant generals have the rank of colonel and the chief officer of each company has the rank of captain.



GOVERNORS OF SOUTH DAKOTA.



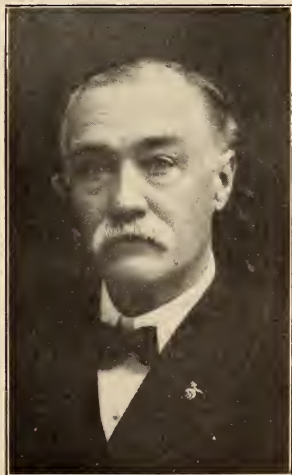
Arthur C. Mellette.



Charles H. Sheldon.

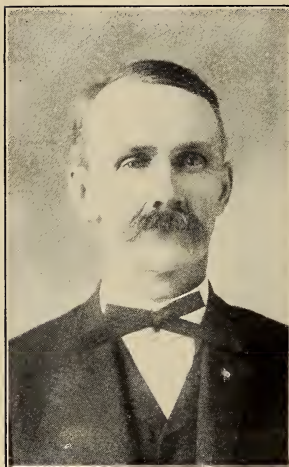


Charles N. Herreid.

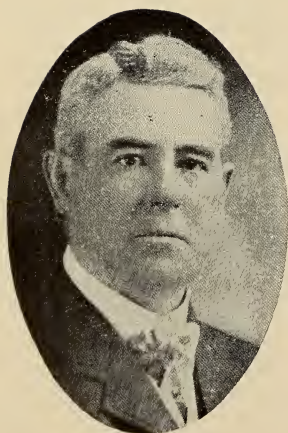


Andrew E. Lee.

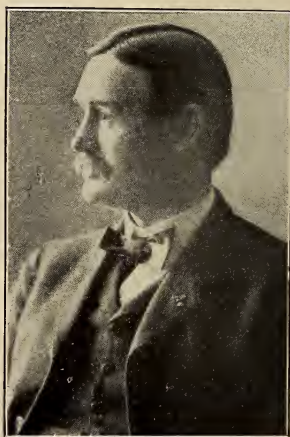
GOVERNORS—Continued.



Samuel H. Elrod.



Robert S. Vessey.



Coe I. Crawford.

ing when the President of the United States calls it into service, and he may call it out to preserve order and enforce law if it is necessary. He may call special sessions of the legislature, give messages and recommendations to it, and, as we have seen, he may veto bills passed by it. He may pardon any persons who have been convicted of violating the laws of the state, providing the punishment be a fine of \$200 or less or imprisonment in the penitentiary for not more than two years. For these greater offenses he may grant pardons only upon the recommendation of the *board of pardons*, consisting of the presiding judge of the state supreme court, the secretary of state and the attorney general. (See Article IV, Section 5.) There are many officers appointed by the governor, as we shall notice soon. He may appoint a United States senator if a vacancy occurs when the legislature is not in session, but his appointment is valid only until the legislature meets. (See p. 236.) If a vacancy occurs in any office and the law does not make other provisions for filling the vacancy, the governor makes the appointment.

If a person within the state is accused of a crime committed in another state he cannot be taken out of this state without the consent of our governor. If a person has fled from justice to this state from a foreign country, the governor then has nothing to do with the matter and the accused person can be surrendered to the country from which he has fled only by permission of the President of the United States. The process of getting authority to return a fugitive from justice is called *extradition*.

The governor is a member of the state board of equalization and assessment, the board of school and public lands, and of the board of canvassers of election. His salary is \$3,000 a year.

“*There shall be chosen by the qualified electors of the state, at the time and places of choosing members of the legislature, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of school and public lands, and an attorney general, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.*”—Art. IV, Constitution.

**Secretary of State.** This officer has charge of all acts and resolutions passed by the legislature, the journals of the legislature, the enrolled copy of the constitution of the state, deeds to all property belonging to the state; and of the state seal. He affixes the seal to all certificates of appointment to state offices, certificates of election to any office which is filled by the voters of the state, to pardons and other public documents to which the signature of the governor is required, also to charters for corporations and other public documents issued from his office. He issues charters for corporations (excepting insurance companies) and has some supervision over them. He has charge of the capitol building and grounds.

Nominations of candidates for any office to be filled by all of the voters of the state are filed with the secretary of state, and he reports these names to the county auditors so that they may be printed on the ballots of each county. The results of such elections are reported to him by the county auditors. He is a member of the state board of canvassers of elections, which examines these returns and reports who is elected.

He is also a member of the board of pardons, of the board of equalization and assessment, and of the mark and brand committee. He has charge of the printing of the laws. As we have already noted, he presides over the house of representatives until it elects a speaker.

**State Auditor.** This officer has charge of all accounts of the state, of all money received by the state and of all paid out. If a person has money due him from the state he receives a warrant from the state auditor directing the state treasurer to pay him the proper amount. The auditor is a member of the state board of equalization and assessment and of the board of canvassers of elections.

**State Treasurer.** All of the funds of the state are entrusted to the care of this officer, who gives heavy bonds

accounts of any state educational, penal or charitable institution. Upon request of the county commissioners of any county, or the governor, the executive accountant must examine the accounts of any county officer.

**Commissioner of Insurance.** Insurance is a plan for distributing the losses which are caused by fire, wind, death, etc. When a house burns or when an industrious person dies there is a severe financial loss for some one. Each person who pays an insurance premium is helping to share some one's loss, for long experience makes it possible to tell in advance just what it costs to carry each risk. The law provides many safeguards to protect those who have insurance and to encourage this work of providing for future danger of loss. The principal duties of the commissioner of insurance are to see that the laws of the state respecting insurance companies are faithfully observed. He is kept fully informed concerning the condition of each company doing business in the state and may start prosecutions if the laws are violated. Any insurance companies formed in this state receive their charters from him.

The law prescribes standard insurance policies, which must be used by all companies doing business in the state. In case of a total loss by fire the full sum must be paid by the insurance company, but in case of partial loss by fire only the actual damage is paid. A policy cannot be transferred, or insured goods removed, without the consent of the company, and a person may not take out more fire insurance with another company without the consent of the company already insuring the property.

**Oil Inspectors.** The state is divided into three districts for the examination of all illuminating oil, such as kerosene and gasoline, to see that it is of proper quality.

The law provides that all cans or casks containing gasoline shall be painted red. Gasoline evaporates rapidly, and the gas thus formed burns and explodes very easily. Great care should be taken when filling cans with gasoline or cleaning clothes with it, and no fire or light should be in the same room or adjoining rooms while this is being done. It is dangerous to pour kerosene or gasoline on a fire.



**State Veterinary Surgeon.** He must be a graduate of a veterinary college course of at least three years and in addition have practiced his profession for that length of time. He is the executive officer of the live stock sanitary board, though not a member of the board. He enforces their rules and the state laws concerning the prevention of contagious and infectious diseases among domestic animals. Live stock having certain diseases are killed under his direction.

**State Game Warden.** This officer, together with the deputy wardens in the different counties, sees to the enforcement of the game laws.

**State Engineer of Irrigation.** This officer has supervision over drainage and waters used for irrigation.

**State Hotel Inspector.** His duties are to see that the laws relating to cleanliness and protection against fire are enforced in hotels. He is also "state building inspector," being charged with the inspection of theaters, schools, churches, hospitals and other buildings that accommodate one hundred persons.

"All doors of exit or entrance shall open outward and be hung to swing in such a manner as not to become an obstruction in a passage or corridor, and no such doors shall be closed and locked when the building is open to the public."—Laws of 1909.

**Commissioner of Immigration.** The legislature of 1911 provided for this officer to have charge of advertising the resources of the state.

**State Food and Drug Commissioner.** This officer has the important duty of enforcing the laws relating to the adulteration of foods and drugs. Both the United States and the state have passed pure food and drug laws and each has its officers to enforce them.

**State Dairy Expert.** This officer is connected with the college of agriculture and mechanic arts at Brookings and has charge of the enforcement of the laws relating

to dairy products. He causes inspection to be made of creameries, cheese factories and dairies.

**Department of History.** In 1901 the legislature created this department and provided for a state historical society. The secretary of this society is the state librarian, who has charge of the many valuable books, documents and mementoes of state and national value in the state library and museum in the capitol building. The secretary of the society is also superintendent of the state census and is the state statistician, collecting statistics concerning births and deaths, crops and other matters of public interest. The biennial reports of the historical society are prepared by him and comprise a great deal of valuable material of historical interest. Mr. Doane Robinson has occupied this responsible position from the time it was established.

**Salaries of State Officials.** Excepting those given, the salaries of state officials are usually from \$1,500 to \$1,800 per year. Most of these were fixed in the constitution at a time when such a salary was sufficient. That sum of money will now buy only about one-half as much as it would then, so in reality the salaries have been decreasing to about one-half what they should be. At the same time the growth of the state has greatly increased the work and duties of all of the officers. It would be very much better if the legislature had power to fix all salaries, and then they could be changed as conditions change. To do this it will be necessary to amend the constitution.

In England members of parliament (corresponding to our congress) get no pay at all. It is thus impossible there for a poor man to become a member unless, as was once done, collections be taken among his friends to support the man while he was serving his country. Salaries should not be so large that men will be tempted to do improper things to get an office, neither should they be so small that an officer can scarcely make a living from his salary. This is too great and too rich a state to require that a public officer must find

himself a poorer man at the close of his service. "*The laborer is worthy of his hire.*"

### State Boards

Some matters are cared for by boards instead of by individuals. A board made up of officers elected for other purposes is said to be "*ex-officio*" (Lat. *ex*, out of; *officio*, the office). The board of school and public lands and the board of pardons are, as we have seen, of this kind. The presiding judge of the state supreme court is *ex-officio* a member of the board of pardons.

**State Board of Equalization and Assessment.** This board consists of the governor, secretary of state, auditor, treasurer and commissioner of school and public lands. They meet and assess the value of the property of railroads, telephone, telegraph, and express companies within the state. The property is then taxed according to its value. This board also goes over the reports of the assessment of property in the different counties and "equalizes" them. Thus, if lands are valued too high in one county as compared with their value in another, the board may lower the one or raise the other, or do both.

**State Board of Canvassers of Elections.** As we noticed when studying the duties of the secretary of state, county auditors send to this board a report of the votes cast for candidates for offices for which all voters of the state cast ballots—for governor, secretary of state, presidential electors, etc. The governor, presiding judge of the state supreme court, secretary of state and the state auditor examine these reports from the various counties and decide who are elected. If a member of this board is a candidate for office he does not help count the votes cast for that office.

**Regents of Education.** This board of five members is appointed for six years each and has control of the state

higher educational institutions. The board has general supervision over these schools, selects teachers, adopts courses of study and has charge of all expenditures. The president and faculty of each school have immediate charge over its affairs, subject to the approval of the board. The state educational institutions (see Chapter IV) are as follows:

State University, Vermillion.

State College of Agriculture and Mechanic Arts, Brookings.

State School of Mines, Rapid City.

Northern Normal and Industrial School, Aberdeen.

Three state normal schools, Madison, Spearfish and Springfield.

A member of this board may not be appointed from a county in which one of these institutions is located. This is for the purpose of preventing any of them from coming under the control of the locality in which it is located and of keeping the schools, as they should be, *state* institutions. The board appoints a secretary who keeps records of their meetings and does accounting for them.

**Board of Charities and Corrections.** This board is similar in every way to the board of regents excepting that it has charge of the corrective institutions of the state. These are:

Penitentiary, Sioux Falls.

State Training School (a reform school), Plinkinton.

Hospital for the Insane, Yankton.

Northern Hospital for the Insane (a school for feeble-minded), Redfield.

School for the Deaf, Sioux Falls.

School for the Blind, Gary.

A board of three women is appointed for two years, whose duty is to examine conditions at these institutions and the treatment of inmates and report to the governor. The examiners receive three dollars per day and their necessary expenses while visiting institutions.

**Commissioners of the Soldiers' Home.** This board consists of three members, each being appointed for six years, and has charge of the affairs of the state soldiers'

home at Hot Springs. A national soldiers' home is maintained at Hot Springs by the United States.

**State Board of Agriculture.** This board consists of five members, appointed for two years each, and has charge of the state fair which is held each year at Huron.

**State Board of Health.** Five physicians, appointed by the governor for five years each, constitute this board. The board makes rules for the control of contagious and infectious diseases and superintends the boards of health of counties, cities, and towns. The state health laboratory is at the state university at Vermillion, in charge of one of the professors of the college of medicine. Microscopical tests and chemical analyses are made there.

**Mark and Brand Committee.** Three stock raisers are appointed by the governor for two years and these, with the secretary of state, constitute this committee. All persons who adopt marks or brands for their live stock must send copies of them with a fee of two dollars and fifty cents to the secretary of state. The committee must approve the brand before it may lawfully be used.

**Teachers' Reading Circle Board.** This board consists of the president of the state educational association, one county superintendent elected at a meeting of the county superintendents of the state, and the superintendent of public instruction. The board adopts books for the reading circle and has general charge of the work.

**Boards of Examiners.** A number of state boards are appointed for the examination of those who wish to practice medicine, dentistry, embalming, pharmacy, etc.

**State Printing Commission.** The governor, secretary of state and state treasurer constitute the board which has charge of all printing for the state. The governor appoints some one who is well versed in printing as the *state printer* and he has supervision of the work under the direction of the board.



**Live Stock Sanitary Board.** This board consists of five members, who must be live stock men, appointed for five years each. It is the duty of the board to protect the health of domestic animals of the state and to employ the most efficient and practical means for preventing and eradicating contagious and infectious diseases among them. The professor of bacteriology and pathology of the state college of agriculture and mechanic arts at Brookings makes examinations of diseased animals, or portions of them, for the board. The board has power to quarantine any barns, other buildings or lots to prevent the spreading of diseases, or order the destruction of diseased animals. The state veterinary surgeon is the executive officer of the board.

“It shall be the duty of any person who discovers, suspects, or has reasons to believe, that any domestic animal or animals belonging to him or any in his charge, or that may come under his observation, belonging to other persons, is affected with or has been exposed to any contagious, infectious, epidemic or communicable disease, to immediately report such fact, belief or suspicion to the state live stock sanitary board or to a member or representative thereof.”—Session Laws, 1909.

**Board of Immigration.** The governor, secretary of state, and the commissioner of school and public lands constitute this board. The governor is, *ex-officio*, its chairman, and the commissioner of immigration is its executive officer and agent.

**Board of Finance.** This is another *ex-officio* board, consisting of the governor, secretary of state, state auditor, and public examiner. The principal duty of the board is to supervise the safe keeping of all state funds.

#### QUESTIONS.

**GOVERNOR.** What kind of men have the voters of South Dakota always chosen for this high office? Who is the present governor? What other governors can you name?

**TERM AND QUALIFICATIONS.** How is the governor chosen? For how long? How many times may he be re-elected? What is the custom? Name the four legal qualifications of a governor.

**POWERS AND DUTIES.** Quote the two provisions of the law which summarize his duties. Explain his relation to the state militia. When does he yield control of the state militia? Who are members of the unorganized militia? What is the organized militia called? What officers has it? What are the governor's powers in connection with the state legislature? What pardoning power has the governor? Tell about the board of pardons. What is said about his appointing a United States senator? About filling other vacancies? Explain the procedure in case of a criminal fleeing from another state; in case of a criminal fleeing from a foreign country. What is the process called by which a fugitive from justice is surrendered? Name three boards of which he is a member. What is his salary? Read all you can find in the state constitution about the governor. Look up all references to the governor in the index of this book.

**SECRETARY OF STATE.** What documents are given to the care of this officer? What are the uses of the state seal? Describe the state seal (see page —). Who employs janitors for the capitol building? What are the duties of the secretary of state in connection with the nomination of candidates for office and the election of officers? Name the offices for which he attests certificates of election. Name two boards of which he is a member. Of what committee is he a member? What is his duty when the legislature meets? Look up the references in the index and name other duties of the secretary of state.

**STATE AUDITOR.** Explain the duties of this officer in connection with the money of the state. Of what two boards is he a member?

**STATE TREASURER.** What protection has the state for the money entrusted to this officer? When does he pay out money? What officer keeps a check on his accounts? Of what board is he a member? Tell about the standard weights and measures which he keeps. Quote as many legal weights as you can.

**SUPERINTENDENT OF PUBLIC INSTRUCTION.** What are the principal duties of this officer? Ask your teacher what grade of certificate she possesses, how it was obtained, and for how long it is valid? What had this officer to do with the issuing of it? Who occupies this important position at present? Can you name any former state superintendents?

**COMMISSIONER OF SCHOOL AND PUBLIC LANDS.** Where and when did South Dakota get public lands? From whom? For what purposes? Who has charge of the sale and rental of these lands? What is the board of school and public lands? What does this board do? How are public lands leased? How sold? Who issues the deed to public lands sold? What is this deed called? What is done with money derived from the sale of school lands? How is the interest on the permanent school fund apportioned?

**ATTORNEY GENERAL.** Of what officers is he the legal adviser? What is the effect of his decisions? How may his decisions be overruled. In what cases does he represent the interests of the state? Give an example of this. Of what boards is he a member? What change should be made in his salary and services?

*RAILWAY COMMISSIONERS.* How many? How chosen? Term? Qualifications? What is the principal business of this board? What are their powers and duties?

*APPOINTIVE STATE OFFICERS.* How are the appointments made? How when the state senate is not in session? What is the usual term?

*BANK EXAMINER.* What qualifications must he possess? What are his duties?

*EXECUTIVE ACCOUNTANT.* What are his duties.

*COMMISSIONER OF INSURANCE.* Define insurance. Show what each premium represents. What are the duties of this officer? Mr. A sold his house to Mr. B. Could he transfer the insurance on the house also? When Mr. A removed his household goods, he did not get the insurance company's consent to continue the insurance on the goods. In case of fire, would the company have to pay the insurance? If he took out insurance in another company and said nothing about insurance he already held, what would be the effect? What is the law concerning doors of public buildings opening outward? About fire escapes?

*OIL INSPECTORS.* How many? Their duties? Mention some precaution to take in using gasoline. Kerosene.

*STATE VETERINARY SURGEON.* What are the duties of this officer? What is done in case of dangerous diseases among animals?

*STATE GAME WARDEN.* What are his duties?

*STATE ENGINEER OF IRRIGATION.* What are his duties?

*STATE HOTEL INSPECTOR.* What are his duties?

*COMMISSIONER OF IMMIGRATION.* What are his duties?

*STATE FOOD AND DRUG COMMISSIONER.* What are his duties?

*DEPARTMENT OF HISTORY.* When created? Who is the state librarian? What things are preserved by the state historical society? What other duties has its secretary?

*SALARIES OF STATE OFFICIALS.* What are the usual salaries of South Dakota state officials? When were these fixed? Where? What can you say as to such salaries in 1889 as compared with their value at present? What remedy is suggested?

*STATE BOARDS.* What is meant by an "*ex-officio*" board?

*STATE BOARD OF EQUALIZATION AND ASSESSMENT.* Composed of whom? What property do they assess? What is meant by "equalizing" assessments?

*STATE BOARD OF CANVASSERS OF ELECTIONS.* What officers make up this board? What are the duties of this board?

*REGENTS OF EDUCATION.* Number of members? Term? Duties? Name and locate each of the state institutions under their charge. From what counties may they not be chosen? Why?

*BOARD OF CHARITIES AND CORRECTIONS.* Duties? Name the state institutions over which this board has control. Tell about the board of lady examiners.

*COMMISSIONERS OF THE SOLDIERS' HOME.* Where is this home? For whom? How controlled?

*STATE BOARD OF AGRICULTURE.* The principal duty of this board?

*STATE BOARD OF HEALTH.* Qualifications of members? Duties?

*MARK AND BRAND COMMITTEE.* Of whom does this committee consist? Their duties?

*TEACHERS' READING CIRCLE BOARD.* Of whom does this board consist? Duties?

*BOARDS OF EXAMINERS.* Name three state examining boards.

*STATE PRINTING COMMISSION.* Of whom composed? Duties?

*LIVE STOCK SANITARY BOARD.* Consists of whom? Duties? Who is the executive officer?

*BOARD OF IMMIGRATION.* Of whom composed? Who is the executive officer?

*BOARD OF FINANCE.* Of whom composed? Duty?

# SOME REPRESENTATIVE COUNTY COURT HOUSES.



Marshall.



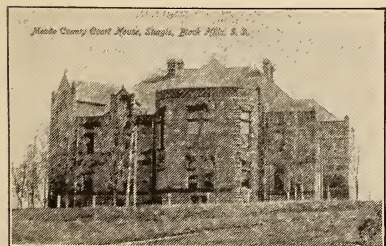
Minnehaha.



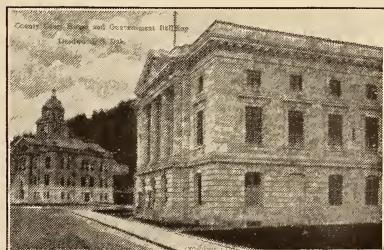
Day.



Roberts.



Meade



Lawrence





## CHAPTER XI

### THE COUNTY

**Functions of County Officers.** The county is an important subdivision of the state for governmental purposes. Its officers carry out the provisions of state laws within the county. Thus the sheriff arrests persons who are accused of violating state laws within the county, the game warden protects the game according to the state game laws, the register of deeds records deeds and mortgages as the laws of the state provide that they shall be recorded, and the county superintendent of schools sees to the enforcement of the school laws of the state within his county. The county officers are, in reality, state officers whose power is limited to the county. Of course, they are called county officers, since they are, in nearly all cases, elected by the voters of the county and paid by the taxpayers of it. One of them, however, is called *state's attorney*, and for this reason many students confuse him with the attorney-general of the state. Although sometimes confusing, the term is better than county attorney, as he is called in many states, for his duty is to enforce state laws and act as an attorney for the state within the county.

**Relation of County to State.** It is thus easily seen that the relation of the county to the state is not like the relation of the state to the nation. The county is, in the main, a district for the administration of state laws. A state is not simply a district for the administration of the laws of the United States, for the state carries on its own

government and has nothing directly to do with the administration of national laws. The nation has its own officers to enforce its laws. If the county officers simply carried out the provisions of laws adopted by and for the county and left all enforcement of state laws to state officers, then the county would sustain the same relation to the state that the state does to the nation.

**County Enforces State Law.** It is true that counties do adopt a very few regulations of their own and the county officers see that these regulations are enforced. These are so few, however, that they may be ignored. The student should think of the state as providing for elections, the county as carrying out the election laws; the state as providing for registering deeds and other instruments, the county as providing the means for doing the work; the state as providing for public school supervision, the county as furnishing an officer and means for carrying out the law; the state as providing for the punishment of crimes, the county as supplying a sheriff and jails for the arrest and custody of accused persons, a clerk for recording the court proceedings, a court house for the trial, etc.

**To Organize a New County.** We have in South Dakota several unorganized counties; that is, counties having no officers. These are created by the state legislature and attached to nearby organized counties for taxation and court purposes. A taxpayer in an unorganized county pays his taxes to the treasurer of the organized county to which it is attached.

“Whenever the voters of any unorganized county in this state shall be equal to one hundred and fifty or upwards, and at least one hundred and fifty shall desire to have said county organized, they may petition the governor, setting forth that they have the requisite number of legal voters to form a county organization, and request him to organize said county as hereafter provided.”—Political Code.

“No new counties shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without

dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified."—Const. Art. IX.

The petition, containing the proper number of signatures, describes the boundaries of the proposed county and suggests the name desired for the county. Upon receiving it the governor calls an election in the proposed county to elect officers and locate a county seat. After the county officers have been elected, furnished bonds and taken the oath of office, the county is fully organized.

"Each organized county is a body corporate for civil and political purposes only, and as such may sue and be sued, plead and be impleaded in any court in the state."—Political Code.

**County Commissioners.** This board consists of either three or five members. If there are three commissioners and a petition for two more be signed by one-third of the voters of the county, the number is increased to five. The county is divided into commissioner districts and one commissioner is elected by the voters of each district for four years.

At their first regular meeting in January each year they select one of their number to act as chairman of the board. The county auditor is the clerk of the board and keeps minutes, or records, of their meetings. He is not a member of the board, though he is always present at their meetings as their clerk.

The board has charge of all property of the county, such as the court house and grounds, jail, county hospital, and poor farm, if the county has them. All work that is done at the expense of the county is looked after and accounted for by this board. Thus the law provides that all bridges within the county that cost over one hundred dollars must be built at the expense of the county (if less than that, by the township). Bridge repairs costing over twenty dollars are paid in part by the county.

The county commissioners have charge of such bridge building or repairing, order it done and authorize the payments from county funds.

The board examines all bills against the county and may authorize their payment. The clerk of the board (county auditor) draws warrants for the payment of such bills, the chairman of the board also signs them and the treasurer of the county then pays them. The board represents the county in any lawsuit in which the county is financially interested. The bonds given by the county officers for the faithful accounting of money must be approved by the board. If the county wishes to borrow money, say, for the building of a court house, bonds (notes, or promises to pay) are issued by the board and then sold to anyone who wishes to loan money to the county. In most cases the county commissioners may not issue bonds unless a vote of the people of the county is in favor of it. The board levies the taxes for paying the expenses of the county. It examines all accounts of county officers and fills vacancies which may occur in any county office excepting county judge (see p. 290).

There are four regular meetings of the board provided by law. These are on the first Monday in January, April, July and October. Two other meetings are provided for in connection with assessing property; that is, deciding the value of property for taxation. Special meetings of the board may be called at any time, as agreed by themselves or called by the county auditor.

"The assessors shall meet the commissioners and auditor at the office of the county auditor on the first Tuesday of April for conference with the commissioners and auditor in reference to the performance of their duties."—Political Code.

"The county commissioners, or a majority of them, with the county auditor shall form a board for the equalization of the assessment of property of the county. They shall meet for this purpose annually, on the first Tuesday in July, at the office of the auditor. . . . During the session of said board of assessment and equalization any person, or his attorney or agent, feeling aggrieved by anything in the assessment roll, may apply to the board for the correction of any alleged errors in the listing or valuation of his property, whether real or personal, and the board may correct the same as shall be just."—Political Code.



The commissioners are members of the county board of education, which meets every five years for adopting school books to be used in the county. After elections held for county or state officers, the board meets and canvasses the returns from the different portions of the county. They examine the reports from the townships, cities and towns and decide what county officers were elected. Their clerk, the county auditor, sends reports as to all votes cast to the secretary of state.

*“In each organized county at the first general election held after the admission of the state of South Dakota into the Union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, state’s attorney, surveyor, coroner, and superintendent of schools, whose term of office respectively shall be two years and except the clerk of the court no person shall be eligible for more than four years in succession to any of the above named offices.”—Constitution.*

*“There shall be elected in each organized county a county judge who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.”—Constitution.*

**Clerk of Courts.** This officer acts as clerk of the county court and as clerk of the circuit court, recording what is done in these courts when they are in session. He administers oaths to witnesses, jurymen, and to others when necessary in connection with trials or legal actions. He assists in selecting jurymen. When the circuit court meets he presents to the judge a list of the cases to be tried. This is called the court calendar. He issues naturalization papers by means of which foreigners become citizens (see Chapter XVIII). He issues marriage licenses, and the clergyman or magistrate who performs the marriage ceremony must file with him a record of the marriage.

He is the superintendent of vital statistics for the county and reports of all births and deaths must be made to him by physicians, parents or other relatives. These records he sends each month to the superintendent of census and vital statistics (the secretary of the state historical society) at Pierre.

He has a number of other duties, such as recording commissions of notaries public, approving their bonds, recording the names or partners in a firm (not a corporation) when the name of the firm does not show who the partners are.

**Sheriff.** The general powers of this officer are given in the political code of laws as follows:

“The sheriff shall keep and preserve the peace within his county, for which he is empowered to call to his aid such persons or the power of the county as he may deem necessary. He must also pursue and apprehend all felons; and must execute all writs, warrants and other process from the circuit court, or from a justice of the peace, which shall be directed to him by legal authority. He shall attend at the circuit court and the sessions of the board of county commissioners when requested by the latter to attend.”

“He shall serve and post up all notices he may receive from the county auditor or the board of county commissioners, give notice of special and general elections, and shall keep his office at the county seat.”

Among the “writs, warrants, and other process” of a court may be named warrants of arrest and execution for debts or financial claims (see Glossary).

A warrant of arrest is an order in writing in the name of the state, signed by a magistrate, commanding the arrest of the defendant, and may be substantially in the following form:

County of .....  
The State of South Dakota. To any sheriff, marshal or policeman in this state (or in the county of.....as the case may be):

Information on oath having been this day laid before me that the crime of (designating it) has been committed and accusing C. D. thereof.

You are therefore commanded forthwith to arrest the above named C. D. and bring him before me at (naming the place), or, in case of my absence or inability to act, before the nearest or most accessible magistrate in this county.

Dated at..... this.....day of....., 19..

E. F., Justice of the Peace (or as the case may be).

—Code of Criminal Procedure.

The sheriff has charge of the county jail.

**County Auditor.** As we have already noticed, the county auditor acts as clerk of the county commissioners. If you have money due you from the county you go to the auditor, who draws a warrant on the county treasurer for the sum. Thus all claims against the county pass through his hands and he keeps accurate records of them. Monthly settlements between the auditor and the treasurer are made to keep their accounts correct.

He makes out lists of the taxes due from each taxpayer for the county treasurer, making a report of them to the state auditor. He also sends a report of the assessor's roll to the state auditor. He assists in loaning money of the permanent state school fund and in the leasing of school lands. He is a member of the county library board and the board of education for adopting school books.

He sends out all notices of elections and assists in canvassing the returns. Candidates for county and legislative offices file with him their nominating petitions and he makes out ballots to be printed and sent to the judges of election in each voting precinct (division for purposes of voting). He also provides sample ballots and instructions to voters.

**Register of Deeds.** As the name suggests, this officer records deeds to land within his county. When land is sold a warranty deed is given. Should two deeds be given by the owner, through mistake or otherwise, the one having his deed recorded first would be considered the true owner. Therefore the law provides that "when an instrument is filed with him for record he shall indorse thereon the date and hour and minute of the day of such filing."

In some states if the owner of land is married both husband and wife must sign the deed or one of them may have a certain claim on the land when the other dies. The right which a wife may have in lands of her husband is called dower, and the right which a husband may have in lands of his wife is called curtesy. Both dower and curtesy rights have been abolished in South Dakota. If the land sold is the home both husband and wife must sign the deed, whichever owns it, or the deed is void. It is customary, however, to have both sign all deeds to land lest it might be claimed afterwards that it was the home that was sold.

In case of a lawsuit in which the title, or ownership, of real property (see Glossary) is in dispute a notice to that effect is filed with the register of deeds. This is a warning to any purchaser of the land. Similarly, if the owner has done some building and has not paid for the lumber or labor a lien or claim may also be filed so that

no one will purchase the property ignorant of the claim against it. For similar reasons mortgages, which are conditional deeds, bills of sale, and other instruments are recorded with the register of deeds.

**County Treasurer.** This officer is the principal tax collector within the state. Taxes levied by the state, county, township, town, city, and school district are paid to the county treasurer, who sends the proper amounts to the treasurers of the state, township, etc. The assessments of property to be taxed and the rate of tax in each city are reported to the county auditor. He then calculates the city tax due from each property holder in the city and reports the amount to the county treasurer. The county treasurer collects this tax and sends it to the city treasurer. State taxes, township taxes, town taxes, and school district taxes are similarly calculated and paid. The county treasurer takes charge of the money belonging to the county, depositing it in banks when the county commissioners direct him to do so.

A tax of \$68.82 was paid in 1911 on a city lot in Aberdeen, the assessed value of which was \$1,100. The total rate to be paid was 59.2 mills or 5.92 per cent. The tax, then, was \$65.12. To this was added a special sewer tax of \$3.70, making a total tax on that lot of \$68.82. One-half of this had to be paid before March 1st, the other before the first of November. The county treasurer sent \$4.40 of this to the state treasurer (.004×\$1,100); \$25.85 to the school district (.0235×\$1,100); \$34.17 to the city treasurer (.0277×\$1,100+\$3.70); and retained the balance, \$4.40, for the county.

|                        |           |   |
|------------------------|-----------|---|
| State tax .....        | 4.0 mills |   |
| County tax .....       |           |   |
| General .....          | 1.5       | " |
| Road and bridge.....   | 1.0       | " |
| Insane .....           | .5        | " |
| Bond Interest .....    | .1        | " |
| Poor Farm .....        | .4        | " |
| Special Sal. Fund..... | .5        | " |
| School tax .....       | 23.5      | " |
| City tax .....         | 27.7      | " |
| Total .....            | 59.2      | " |

**State's Attorney.** This is a very important officer for enforcing the law. Every criminal case before a court in the state is prosecuted by the state. The crime is said to be committed against the state. The thief who steals from you not only violates your rights but endangers those of everyone else. The state therefore provides for a lawyer in each organized county to attend to the prosecution of crimes. When a crime is committed the person injured

does not need to employ a lawyer to have the accused person tried; it is the business of the state's attorney to do this if complaint is properly made.

The state's attorney is also the legal adviser of the county officers and a member of the county board of education, which adopts text books. He must be licensed to practice law in the state.

**County Surveyor.** His duty is to make surveys, to lay off roads, and locate boundary lines. He is paid according to the amount of work done.

**County Coroner.** The principal duty of this officer is to "hold an inquest upon the dead bodies of such persons as are supposed to have died by unlawful means." He then summons a jury of three persons and examines witnesses. The verdict of the jury is a statement of what is believed to be the cause of the death.

This officer in early times in England was the highest one in the county, receiving his appointment from the king (coroner is from the Latin *corona*, crown). Next below him was the sheriff (shire reeve). As a survival of this relationship the coroner is the only officer in the county who may serve legal papers on the sheriff and if the sheriff is put in jail the coroner becomes the jail keeper. In case of a vacancy in the office of sheriff the coroner takes his place until the county commissioners fill the vacancy.

**County Superintendent of Schools.** This important officer has general supervision of the schools of the county. To be qualified to hold this office the superintendent must be the holder of a teacher's certificate of the first grade or higher, which has been valid in the state for at least one year before he assumes the office. He visits schools, conducts meetings of teachers and school officers, provides for teachers' institutes, has charge of the examination of teachers (receiving questions from the state superintendent and forwarding answers to him), and has power to revoke a teacher's certificate if there is sufficient reason. He may grant to a teacher a special certificate which is valid only until the



next teachers' examination. He conducts reading circles among the teachers. He has important duties in checking over all accounts of the school treasurers to see that they are correct. The clerk also sends in reports to him, and he is the adviser of school boards and teachers. Many matters are referred to him for decision. He makes a plat of the county showing the boundary, location, and name of each district. He sends a complete report to the state superintendent of the finances, school population, and teaching in each district.

He apportions to the school districts the money due them from the interest on the permanent school fund. From this money an amount equal to ten cents for each child of school age in the district is set aside for the purchase of books for the library of the district. The county superintendent is chairman of the board, which selects these books from lists approved by the state superintendent. He is also chairman of the board which in 1912 and every five years thereafter adopts text books for the county.

His salary is from \$200 to \$1,500 a year and is less than most salaried officers of the county. Every other county officer who travels about the county in the necessary discharge of his duties receives mileage. Everyone admits that the educational interests of the county are the most important ones; why, then, should not this officer be paid mileage exactly the same as other county officers? In one of the large and rich counties of the state, after the county superintendent had paid his necessary traveling expenses he found his salary was less than that of the janitor of the court house. This superintendent was a normal school graduate and his education had cost him a great deal of money, a very high standard of morality and ability were required of him, and for the splendid services of utmost importance to the children of the county there was paid no more than for the man who scrubbed out his office. It is very important that the court house be kept heated and cleaned, but it is vastly more important that the educational work of thousands of children be well looked after.

The county superintendent of schools cannot serve more than four years in succession. This is admitted by all to be a disgrace to the state. The constitution of the state should be amended so that a superintendent might be retained as long as he gave good service.

**County Judge.** This officer, like the state's attorney, must be "learned in the law." His duties may be conveniently grouped under three headings, for he may hold three kinds of court: (1) probate, (2) juvenile, and (3) civil and criminal.

*Probate Court.* The principal duties of the county judge are to look after the property of deceased persons and see that their wills, if they have made wills, are carried out, or to see that the property is divided properly among the heirs. He appoints guardians for orphans who are minors and for insane persons. See administrator, executor, etc., in Glossary.

*Juvenile Court.* "Whenever any child sixteen (16) years of age or under, is arrested with or without warrant, such child shall, instead of being taken before a justice of the peace or police magistrate, be taken directly before the county court." Unless the offense charged be felony,\* this court has power to send a delinquent\* child of eighteen or under to the state training school, or may have the child and his parents or guardian report his conduct from time to time to see whether the child is reforming.

*Criminal and Civil Court.* In counties having a population of 20,000 or more, the county court may try civil cases where the amount in dispute is not over \$1,000, and criminal cases of misdemeanors (see Glossary).

In case of a vacancy in this office the governor appoints someone.

### QUESTIONS.

*FUNCTION OF COUNTY OFFICERS.* Show that county officers are in reality state officers within the county. The name of which county office indicates this?

*RELATION OF COUNTY TO STATE.* Show that the relation of the county to the state is not the same as the relation of the state to the nation. Under what conditions would the relation be similar?

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\*See Glossary.

*COUNTY ENFORCES STATE LAW.* Show that the county is, in the main, a division of the state for the enforcement of state laws.

*TO ORGANIZE A NEW COUNTY.* What are unorganized counties? How many voters must there be for the organization of a county? What area? Explain how a county may be organized.

*COUNTY COMMISSIONERS.* The number? Officers? What property is under their care? Explain about building and repairing bridges. How is county money paid out? Give their duties concerning banks, taxes, vacancies, assessing property, canvassing elections.

*CLERK OF THE COURTS.* Of what courts is he clerk? What are his duties? What papers does he issue? What records does he keep?

*SHERIFF.* What are his duties? What is a warrant of arrest?

*COUNTY AUDITOR.* What are his duties in connection with the county commissioners? With the county money? Tax lists? Elections?

*REGISTER OF DEEDS.* What is a warranty deed (see Glossary)? Why and how recorded? Explain under what circumstances both husband and wife must sign a deed. What is curtesy? Dower? What besides deeds are recorded with this officer?

*COUNTY TREASURER.* What taxes does he collect? Study the explanation of the calculation of the taxes in the example given. Get a tax receipt and see if you can explain how the amount of the tax was calculated.

*STATE'S ATTORNEY.* Who prosecutes criminal cases? Against whom is a crime said to be committed? What are the principal duties of this officer? What qualification must he have?

*COUNTY SURVEYOR.* His duties?

*COUNTY CORONER.* His duties? What is a "Coroner's jury"? What was the relation of coroner and sheriff in former times in England? In South Dakota today?

*COUNTY SUPERINTENDENT OF SCHOOLS.* What are the educational qualifications of county superintendent of schools? What are his duties? What can you say concerning his salary? His term of office?

*COUNTY JUDGE.* What special qualification must he possess? What are the functions of the probate court? The juvenile court? The criminal and civil court? How is a vacancy in this office filled? How in other county offices (see p. —)?

## CHAPTER XII

### THE TOWNSHIP

**An Old Institution.** The township is one of the oldest of our governmental divisions. It has been in existence since the days when our savage ancestors lived around the Baltic sea. In New England it is still the principal subdivision of the state, for in some states there is no county superintendent of schools, county register of deeds, etc., their duties being performed by township officers. With us, however, the township officers have few powers; the county is our principal subdivision of the state for governmental purposes.

**Congressional and Civil Townships.** Shortly after the Revolutionary war, Congress decided to have the territory north and west of the Ohio river surveyed\* and sold to settlers. Tracts six miles square were surveyed and divided into sections. These tracts were called townships. No people occupied them except Indians and occasional white traders or trappers. Now, the local organization of the people into a government in New England was also called a township. To distinguish them, the area six miles square, comprising sections one to thirty-six, is called a *congressional township*, and the organization of the people into a local government is

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\*See Chapter XI, "The United States Government Land Survey," in the author's *Mathematical Geography*, published by the American Book Company, Chicago.

called a *civil township*. A congressional township is simply so much surveyed land, and does not have officers any more than an acre or a square mile. A civil township is the people who have organized a public corporation (see Glossary) for carrying on government. Wherever the word township is used we always mean a civil township unless we are locating land according to the government survey. The word town is often used

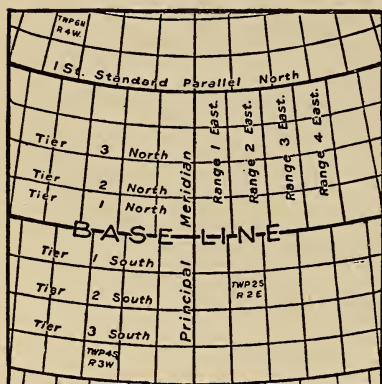


Fig. 56. Congressional townships are numbered in tiers north and south of a base line and in ranges east and west of a principal meridian. This figure shows from what principal meridians South Dakota has been surveyed.

|    |    |    |    |    |    |
|----|----|----|----|----|----|
| 6  | 5  | 4  | 3  | 2  | 1  |
| 7  | 8  | 9  | 10 | 11 | 12 |
| 18 | 17 | 16 | 15 | 14 | 13 |
| 19 | 20 | 21 | 22 | 23 | 24 |
| 30 | 29 | 28 | 27 | 26 | 25 |
| 31 | 32 | 33 | 34 | 35 | 36 |

Fig. 57. The numbering of sections in a congressional township. Sections 16 and 36 in every congressional township were given to the state by the United States for the benefit of the public schools.

instead of the word township, but never in this book excepting in a few quotations from the law.

**Organization of a Township.** The people of not less than one congressional township nor more than four may have a civil township organized if a majority of the voters petition the county commissioners, who provide for the election of officers. There must be at least twenty-five voters in the township to be organized.



**Annual Town Meeting.** It was a very ancient custom among our ancestors of Europe for the people of a community to meet and agree upon the method of regulating their local affairs. This is done in many countries today. In Switzerland the people of the canton thus meet for passing laws, and even in Russia, whose government is so stern and autocratic, the people of the mir, or local community, meet and decide upon many affairs of a local nature. It is interesting to note that in Russia each household has one vote, cast by the head of the family,—the widow or the eldest son, if the father is dead.

“The citizens of the several towns of this state, qualified to vote at general elections, shall annually assemble and hold town meetings on the first Tuesday in March.”—Pol. Code.

This meeting is called to order between nine and ten o'clock in the morning by the town clerk, or, if he is not present, by any voter. The presiding officer is elected by the voters present and is called the moderator. He is addressed as “Mr. Moderator.” The voters at this meeting may decide what regulation shall prevail concerning animals running at large; appoint pound masters; vote money to repair the roads, build bridges, care for the poor, put up sign-boards, etc. They then proceed to elect township officers.

**Board of Supervisors.** There are three members of this board, elected for three years; one is elected each year. The supervisor who is serving the last year of his term is the chairman of the board.

The duties of the board are very similar to those of the county commissioners,—looking after the property of the township, acting as a board of equalization and assessment for the township, etc. The board must approve the bonds of the other township officers, though the bonds, for safe keeping, are filed with the county clerk of the courts. It levies a poll tax (poll means “head”) on every

man between the ages of 21 and 50, unless he is a pauper or under a guardian. Firemen and militiamen are also exempt from the poll tax. A road tax is levied against all taxable property in the township.

When studying the duties of the county commissioners we noticed the provision for county bridges. The repairing of the bridges within a township is provided for as follows:

“After any bridge has been built by the county under the provisions of this article said bridge shall be under the supervision of the township board and all repairs not exceeding twenty dollars shall be paid by the township or townships in which said bridge is located, and for all repairs exceeding twenty dollars and less than one hundred dollars, the first twenty dollars shall be paid by the township or townships and the balance divided equally between county and township or townships; and all repairs exceeding one hundred dollars shall be paid by the county, but before being allowed by the county, the county commissioner of that district in which said repairs shall be made, shall together with the township board or boards consult with each other and agree upon the necessary repairs to be done.”—Pol. Code.

“The town supervisors shall constitute a board of health and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health.”—Pol. Code.

“The board of health may examine into all nuisances, sources of filth and causes of sickness and make such regulations respecting the same as they may judge necessary for the public health and safety of the inhabitants; and every person who shall violate any order or regulation made by any board of health and duly published shall be deemed guilty of a misdemeanor and punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months.”—Pol. Code.

**Township Clerk.** His duties are much like those of the county auditor. He is clerk of the board of supervisors, draws warrants on the township treasurer, posts notices of elections, and sends to the county auditor a report of the tax to be levied for township purposes.

**Township Treasurer.** This officer has charge of money belonging to the township, receiving it from the county treasurer, who collects it with the state, county, and school district taxes.

**Township Assessor.** The assessor makes out a complete list of all property which is subject to taxation.

He goes to each person in the township, so far as possible, in order to make out this list. When a person tells just what property he possesses he is considered to be under oath (see "perjury" in Glossary).

**Justices of the Peace.** Two are elected in each township for two years, one being elected each year. A justice of the peace has power to try crimes committed within the county if the punishment is not greater than imprisonment in the county jail for thirty days, or a fine of one hundred dollars, or both such imprisonment and fine. If the crime is a greater one, the justice has power as a "committing magistrate," that is, he may order that the accused person be imprisoned until the higher court meets to try the offense. For most offenses the accused may give bonds as a guarantee of his appearance at court. Lawsuits may be tried in a justice court when the sum in dispute does not exceed one hundred dollars. (See Chapter XV.)

**Constables.** These are the peace officers of the township. Two are elected for two years, one each year. They also serve legal papers just as the county sheriff does.

**Vacancies.** Section 1045 of the political code provides:

"When any town fails to elect the proper number of town officers, or whenever any person elected to a town office fails to qualify, or whenever any vacancy happens in any town office from death, resignation, removal from town or other cause, the justices of the peace of the town, together with the board of supervisors, or a majority of them, shall fill the vacancy by appointment by warrant under their hand, and the persons so appointed shall hold their offices until the next annual town meeting and until others are elected and qualified in their places, and shall have the same power and be subject to the same duties and penalties as if they had been duly elected." The provisions of this section also apply to the filling of a vacancy in the board of supervisors or justices of the peace. By "qualifying" for an office is meant taking an oath to support the constitution of the United States, the constitution of the state, and to faithfully perform the duties of the office. Usually a bond must also be given for the faithful accounting of all public money.

### Good Roads Law

**Old Plan.** Before 1907 each township was divided into several road districts and a road overseer was elected for each one. The road tax was "worked out" by farmers. Under this plan each county had from seventy-five to two hundred different road overseers, few of whom had much expert knowledge of road-making or suitable tools with which to work. It was rare to find an honest day's work done, for the custom was to "take it easy" when working out one's road tax. The method was very wasteful and ineffective. With such a system, it is no wonder that "America has poorer roads than any other civilized country on earth." A few crews of good road-makers with modern graders and other tools can accomplish far more work in building and repairing the roads of a county, do better work, and do it cheaper than under the old plan. In the more progressive portions of the United States the old plan is being done away with, and the result is that they are getting much better roads at no greater cost.

**New Plan.** The legislature of 1907 made some changes in the law, doing away with road overseers and placing the work in the hands of the township board of supervisors. In 1911 the legislature provided that road taxes levied against property and a road poll tax of two dollars from every man between the ages of 21 and 50 (with a few exceptions) shall be *paid and not worked out* by the taxpayer. There is a township road tax and also a county road tax. Any road repairs in one place or continuous stretch of road which costs less than five hundred dollars shall be done by contract under the supervision of the township board of supervisors. If the cost is over five hundred dollars the work is done by contract under the supervision of the county commissioners. In coun-

ties having a considerable area which is mountainous an engineer may be employed by the county.

**New Plan Optional.** In many places there are objections to the adoption of the new plan, so the legislature provided that the people of a township may vote to continue working out their road tax at the rate of twenty cents an hour for a man, or forty cents an hour for a man and team. The county, too, may reject the "good roads law" by a majority vote.

### QUESTIONS.

*AN OLD INSTITUTION.* How long have townships been in existence? What is said as to its importance in New England?

*CONGRESSIONAL AND CIVIL TOWNSHIPS.* Tell what you can of the government survey. How many sections in a township? How are they numbered? From how many principal meridians are different portions of South Dakota surveyed? What is a civil township?

*ORGANIZATION OF A TOWNSHIP.* What area must be included? How many voters? How is a civil township organized?

*ANNUAL TOWN MEETING.* What was the ancient custom in northern Europe? What in Switzerland and Russia now? When is the town meeting held? How called to order? What is the presiding officer called? What is done?

*BOARD OF SUPERVISORS.* Number? Term? Duties of the board?

*TOWNSHIP CLERK.* His duties?

*TOWNSHIP TREASURER.* His duties?

*TOWNSHIP ASSESSOR.* His duties?

*JUSTICES OF THE PEACE.* Number? Term? What crimes may be tried before a justice of the peace? What civil cases?

*CONSTABLES.* Number? Term? Duties?

*VACANCIES.* Explain how vacancies in township offices are filled.

### GOOD ROADS LAW.

*OLD PLAN.* Describe the old plan for repairing the roads. Why was it not successful?

*NEW PLAN.* Who has charge of repairing the roads in a township? What two kinds of road taxes are there? Who must pay the road poll tax?

*NEW PLAN OPTIONAL.* How may the new plan be rejected in any township or county?



## CHAPTER XIII

### THE TOWN

**Township, Town, Village.** As we have seen, a civil township comprises the people occupying one or more congressional townships. A village is a collection of houses and inhabitants in a small area. The people of a village may desire to organize as a separate government from the township because they may wish fire and police protection, street lights, waterworks, sewerage, sidewalks, etc. The people of the entire township naturally do not want to be taxed to furnish these things to the village. Steps may then be taken to organize as a town with a government separate from the township. Such an organized town is said to be incorporated. We usually speak of a county or township as being "organized," but of a town or city as being "incorporated." In the way the words are usually used in South Dakota law, a village is simply a thickly settled portion of a township (or, if the township is not organized, of a county). A town is an incorporated village.

**Incorporation of a Town.** Before 1905 the law did not provide what the population must be in order to incorporate. The census of that year showed fifteen incorporated towns having a population of less than one hundred, one of them having only five people, counting men, women, and children. The law of that year provided that no new town should be incorporated until a careful census had been taken of the population, which must equal a certain number. In 1909 the legislature provided

that there must be at least one hundred people in order to incorporate, thirty of whom must be voters.

A survey is made of the area to be included, and a map is drawn showing its boundaries. A census is taken of the population, and the names of the heads of families and number of persons in each family are listed. A petition signed by at least one-third of the voters in the area is presented, with the map and census list, to the county commissioners. The name desired for the town is given in the petition, and it must be different from that of any incorporated town in the state.

The county commissioners then call an election in the town to vote whether the town shall be incorporated or not. Three inspectors are elected at nine o'clock in the morning of the appointed day, and they conduct the election. If the vote is favorable the county commissioners declare the town to be incorporated and settle and adjust all claims and accounts between the township and the town.

The inspectors divide the town into not less than three nor more than seven districts, and call an election to elect the officers for the town. The regular elections are held on the third Tuesday of April (law of 1909).

**Town Trustees.** One trustee is elected from each district mentioned in the preceding paragraph. The board of trustees elects from its members a president and has many powers similar to a township board of supervisors, acting as a board of health and board of equalization and assessment, caring for town property, etc. A few additional powers are given to the board of trustees, such as providing for a fire department, for sidewalks, etc. The board of trustees appoints a *marshal* (corresponding to township constable) and a *road overseer*.

**Other Elective Officers.** There are elected each year a clerk, assessor, treasurer, and justice of the peace. If

desired, a town may have two justices of the peace. The duties of these officers are very similar to the duties of corresponding officers of the township. Thus the town clerk is clerk of the board of trustees, posts notices of election, and draws warrants for the payment of money by the town treasurer.

### QUESTIONS.

*TOWNSHIP, TOWN, VILLAGE.* What is a village? Why do the people in a village usually desire a government separate from that of the township? What is a town?

*INCORPORATION OF A TOWN.* How large a population is necessary to incorporate a town? How many voters? Explain the four steps necessary to incorporate—survey, census, petition, election.

*TOWN TRUSTEES.* How many? Duties and powers? The president of the board of trustees is often called the mayor, though this is the corresponding officer of a city. What are the duties of the town marshal? Of the road overseer?

*OTHER ELECTIVE OFFICERS.* Name the other town officers. Write in parallel columns the officers of the county, township, and town.



Fig. 58. Business District of Sioux Falls.

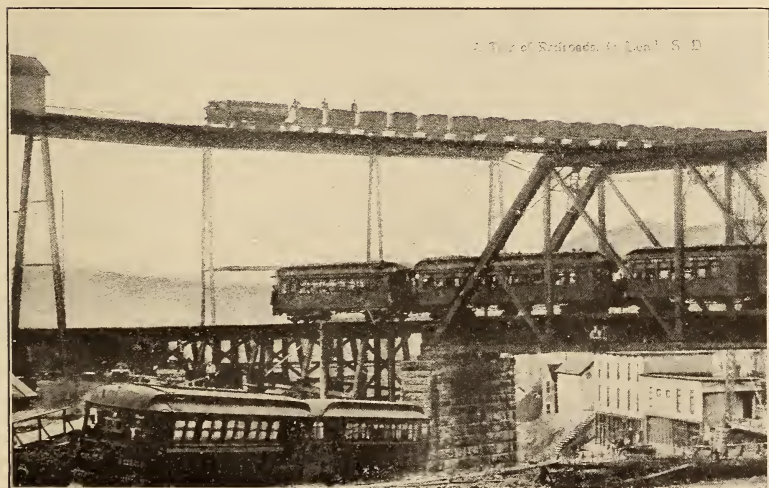


Fig. 59. A View in Lead.

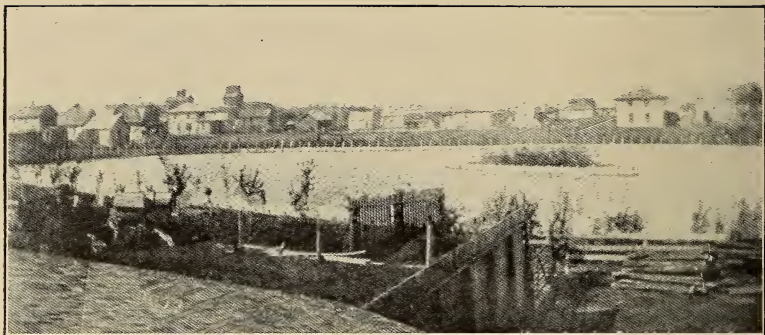


Fig. 72. A View of the Town of Claremont. See Preceding Chapter.



Fig. 73. Second Avenue Scene, Sioux Falls.



## CHAPTER XIV

### THE CITY

**Incorporation of a City.** Any incorporated town having two hundred fifty or more people may be incorporated as a city. Upon receiving a petition signed by one-eighth of the legal voters of the town, the trustees call an election to ascertain whether the people desire to incorporate as a city. If the vote is favorable, another election is held and city officers are elected.

**Special Charters.** Before South Dakota became a state the territorial legislature granted special charters to cities, providing by special laws how each city should be governed. The state constitution, adopted in 1889, prohibits the legislature from doing anything of this kind (see Article III, Section 23). The state legislature in 1890 provided by general law for the government of all cities that might afterwards be incorporated, and also provided that any city then having a special charter might incorporate again under the general law if the voters of the city wanted to do so. Nearly all of our cities have discarded their charters and incorporated under the general laws.

**Two Kinds of Cities.** There are two kinds of city government in South Dakota, (a) ward cities and (b) cities under commission. (a) In the former the city is divided into districts called wards, the voters of each ward electing two aldermen as its representatives in the city council. (b) In cities under commission the city as a whole elects either three or five men, regardless of

the portion of the city in which they live, and these commissioners have charge of the government of the city.

**Three Classes of Cities.** All cities of the state are divided into three classes:

1. Cities of the first class, population 10,000 or more.
2. Cities of the second class, population 10,000 to 2,000.
3. Cities of the third class, population less than 2,000.

The law provides that to determine the population in order to classify a city the number of votes for candidates for governor at the last election shall be multiplied by five.

### Ward Cities

**City Council.** Cities of the third class are divided into three wards; of the second class, four; or the first class, six, until the population is 15,000, and an additional ward after that for every 10,000 inhabitants. From each ward two aldermen are elected for two years, one each year. These aldermen constitute the city council, together with the mayor, who is the presiding officer, though he has no vote excepting in case of a tie.

The city council is a legislature for the city, being given many lawmaking powers. The laws it adopts for the city are called city ordinances. Some of its powers are as follows: To control the property of the city; to provide for the payment of the debts and expenses; to borrow money and issue bonds (within certain limits); "to lay out, establish, open, alter, widen, extend, grade, pave, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and public grounds, and vacate the same"; to provide for lighting and cleaning the streets; to name or change the name of any street; to establish regulations for the construction of buildings, the piping for gas and water, and the wiring for electricity; to provide for waterworks and sewerage; to license peddlers,

pawn brokers, draymen, hackmen, plumbers, electricians, shows, theaters, etc.; to regulate the inspection and sale of bread, milk, meat, butter, and vegetables; to provide for fire protection; to appoint a board of health and make health regulations; to regulate street railways; and to provide for cemeteries, parks, and public libraries.

From a reading of the list of powers of the city council (and there are many other matters which they must regulate) it is readily seen that the management of a city is the most complex government we have. It is also the most expensive. As the city gets larger, the difficulties and problems increase.

**City Ordinances** are passed by the city council in very much the same way as laws are passed by the state legislature,—introduced, three readings, signing by the mayor (he may veto). The ordinances must be published in the official newspaper (the one selected by the council for such publications).

**The Initiative and Referendum** apply to city ordinances. An ordinance may be prepared by anyone, and upon being petitioned by five per cent of the voters this proposed ordinance must be submitted to a vote of the people of the city. If the city council should pass an ordinance that met with objection, upon receiving a petition signed by five per cent of the voters the council must submit the ordinance to a vote of the people, unless it is one “for the immediate preservation of the public peace, or the public health, or expenditure of money in the ordinary course of the administration of affairs.”

**The Mayor.** The chief executive officer of a city is called a mayor. He is elected for two years. As we have already noticed, he presides at meetings of the city council. As a peace officer he is given power within the city limits equal to that of a sheriff. He may pardon persons imprisoned in the city jail for violating city ordinances.

He appoints many of the officers, subject to the approval of the city council.

It is the mayor's duty to see that law is enforced in the city. Since he appoints policemen and other officers, and may remove them, he has great influence in the management of city affairs and in the control of evils and vice which are too often found where people are crowded together as they are in cities. While much depends upon having a good mayor, he can do little unless he is supported by law-abiding people. A wholesome sentiment on the part of the citizens and a good mayor and other officers are both necessary for good city government.

**City Treasurer.** The treasurer has duties similar to those of the treasurer of the town, township, and county. The county treasurer collects the general taxes for the city and some of the special taxes, but the city treasurer collects such special taxes as water rents, license fees, etc.

**City Courts.** A police justice and a city justice of the peace are elected for two years. These officers have the same powers as justices of the peace of the township. It is customary, however, for policemen to take persons whom they have arrested before the police justice.

Any city having a population of 5,000 or more may establish, by vote, a "*municipal court*" having power to try most kinds of civil cases where no more than five hundred dollars is in dispute, and criminal cases of misdemeanors. The city auditor is the clerk of this court, and the judge must be a licensed attorney.

**Appointive Officers.** The law of 1907 (Chapter 87) provides:

"There shall be appointed by the mayor, with the approval of the city council, a city auditor, city attorney, city engineer, city assessor and such other officers as may by the city council be deemed necessary and expedient."

The *city auditor* is clerk of the city council, draws warrants on the city treasurer, keeps the records, plats, and books of the city, issues licenses which are authorized by the council, etc. The *city attorney* is the legal adviser of city officers, inspects bonds issued by the city, and defends the city and looks after its interests in all legal actions. The *city engineer* makes surveys, locates sewers, lays off sidewalk grades, curbing, etc. The *city assessor* performs duties exactly like those of township and town assessors.

Other officers usually appointed are a *building inspector* to examine and approve all plans for buildings and their construction, to see that chimneys, foundations, walls and partitions are safe; a *wiring inspector* to see that all electric wiring is done according to law; a *street commissioner* to see to the grading, caring for, and cleaning of the streets and alleys; a *water commissioner* to look after the laying of water pipes, sewers, etc.; a *health inspector* to see that garbage and offensive matter be not left in streets and alleys, post quarantine cards, disinfect houses, etc. The *police department* is placed in charge of a chief of police acting under instructions from the mayor. The *fire department* is also in charge of a chief, with other officers and employees.

### Cities Under Commission

**A New Plan.** Within recent years a new form of city government has been adopted by hundreds of cities that were not satisfied with the way their affairs were managed. Galveston, Texas, Los Angeles, California, and Des Moines, Iowa, have been the pioneers in trying various new features of this plan. In 1907 the legislature of South Dakota passed an excellent law which includes the best features of the various plans that have been most successful.



**The Commission Theory.** The theory upon which this plan is based is that the management of the affairs of a city is a business proposition to be placed in the hands of a small board having large powers just as any other corporation is managed. This board is elected by the entire city and held responsible by the entire city instead of being made up of representatives of wards of the city. Under the ward system a person who is unfit for the office may be elected alderman from a ward and he will act for the entire city, vote to expend the city's money, and the city as a whole may not think he is fit to serve, but as long as he can get elected from that ward he will remain in the council. In the city of Chicago a man who was noted for his bad character owned almost every saloon and tenement house in his ward and controlled the voters there so that he was elected over and over again, although the city as a whole did not favor his election. Then, too, an alderman elected from a ward will seek to have his ward improved at the expense of the city. According to the commission theory, a city is too compact a group to be divided off into geographical districts, each of which is to have its representatives on the governing board. Five of the best men should be chosen to rule the city regardless of the parts of the city in which they live.

**Term of Office.** According to the commission theory, officers should be elected for a term that is long enough to enable them not simply to learn the duties but to become competent to discharge them well. Each commissioner is elected for five years. One is elected each year.

**The Recall.** An unwise choice might be made and an incompetent commissioner might be elected. A provision is made whereby the people may put a commissioner out of office and elect another if they choose. A petition

signed by fifteen per cent of the voters may demand an election to decide whether a commissioner shall be retained in office or another elected in his place.

**A Board of Specialists.** One of the principal advantages of the commission plan is that the work is apportioned among the commissioners according to the special knowledge and ability of each. Where there are five commissioners they are designated as follows:

a. *Police and Fire Commissioner.* This officer has under his special charge the enforcement of all police regulations of the city and general supervision over the fire department.

b. *Commissioner of Streets and Public Property.* He has charge of the supervision of streets and alleys, public grounds, and the lighting and cleaning of them.

c. *Waterworks and Sewerage Commissioner.* This commissioner has charge of the construction, maintenance and operation of the waterworks and sewer system and sees to the enforcement of all regulations concerning them.

d. *Commissioner of Finance and Revenue.* He has charge of the laws for the assessment and collections of taxes of all kinds and manages the finances of the city.

e. *Mayor.* One commissioner has general duties as mayor. He presides at meetings of the board and votes with the other commissioners, but has no veto power. Each commissioner has the power of a sheriff as a peace officer.

**Responsibility Fixed.** Under the ward system it is very difficult to fix responsibility for defects. Under the commission system it is usually easy to know who is at fault if the streets are not properly cleaned or other defects appear. Excepting at the first election or when vacancies are to be filled, only one commissioner is elected at a time. Suppose it is waterworks and sewerage commissioner; the voters of the city then may choose the

person who is most capable of managing this important department of the city.

The board as a whole has the same powers as a city council under the ward system. As under the ward system, cities under commission are divided into three classes on basis of population. Salaries are classified according to the class to which the city belongs.

**Qualifications of Commissioners.** A commissioner must be a voter, twenty-six years old, an owner of real estate, and a resident of the city at least two years.

**Other Officers.** All of the usual officers and employes, such as city engineer, attorney, etc., are chosen and removed by the board.

**Cities May Adopt.** Any city incorporated under the ward system may adopt the commission plan. A petition signed by fifteen per cent of the voters may demand that an election be held to decide whether the plan shall be adopted.

The following South Dakota cities were among the first to adopt the commission plan: Aberdeen, Canton, Dell Rapids, Huron, Pierre, Rapid City, Sioux Falls, Vermillion, and Yankton. The population of all of the cities, towns, and villages of the state is given in the Appendix.

### QUESTIONS.

*INCORPORATION OF A CITY.* How may a town incorporate as a city?

*SPECIAL CHARTERS.* By whom granted? Can the legislature now grant such charters to cities?

*TWO KINDS OF CITIES.* Explain the two kinds of cities.

*THREE CLASSES OF CITIES.* What cities are of the first class? Second? Third? Name some cities in each class.

### WARD CITIES.

*CITY COUNCIL.* What are aldermen? How many? Who is the presiding officer of the city council? What are city ordinances? What are the powers of the city council?

*CITY ORDINANCES.* How passed?

*INITIATIVE AND REFERENDUM.* Explain how these apply to city ordinances.

*THE MAYOR.* Term? Power as a peace officer? Pardoning power? Appointive power? What support must the mayor have to enforce laws against vice and crimes?

*CITY TREASURER.* Who collects nearly all city taxes? What taxes are collected by the city treasurer?

*CITY COURTS.* What three courts are provided for South Dakota cities?

*APPOINTIVE OFFICERS.* Make a list of these officers and their duties.

#### *CITIES UNDER COMMISSION.*

*A NEW PLAN.* What cities were among the first to adopt the new plan?

*THE COMMISSION THEORY.* What is said as to the size of the board and its election? Under the ward system, how may an unfit person remain in the city council, even if the people of the city do not want him?

*TERM OF OFFICE.* Why is a long term given the commissioners?

*THE RECALL.* How may a commissioner who is not satisfactory be put out of office?

*A BOARD OF SPECIALISTS.* Where there are five commissioners (the usual plan), what is the work of each?

*RESPONSIBILITIES FIXED.* What is the advantage of the commission plan for holding officers responsible for their acts? What is the advantage of electing one commissioner at a time? Compare the powers of a board of commissioners with those of a city council.

*QUALIFICATIONS OF COMMISSIONERS.* Name them.

*OTHER OFFICERS.* Name them.

*CITIES MAY ADOPT.* How may cities adopt this plan?

## CHAPTER XV

### THE JUDICIAL DEPARTMENT

**Interpreting and Applying Law.** We have studied how laws are passed and how they are enforced by the state, county, township, town, and city. In the enforcement of law there must be some method of deciding how the law applies in a given instance, or whether a person who is accused of violating the law is guilty or not. Courts are established to interpret the law and apply it in cases that arise. The United States maintains a system of courts to try cases which involve the federal constitution and laws (see Chapter VIII), and the state maintains courts to try cases which involve state laws.

The courts provided for by law in South Dakota are (a) the state supreme court, (b) circuit courts, (c) county courts, (d) municipal courts, and (e) courts of justices of the peace. All but the first two have been discussed (see Index for references).

#### State Supreme Court

**Supreme Judges.** The supreme court is the highest court in the state. It consists of five judges and holds all of its sessions at Pierre. Until 1909 there were only three judges. The judges are chosen from districts by a vote of the entire state, and their term is six years. While they necessarily live at Pierre, their legal residence is in the districts from which they were originally chosen. They must be licensed to practice law in the



state, thirty years old, citizens of the United States, residents of the state two years, and residents of the districts from which they are chosen. Vacancies are filled by appointment by the governor. At least three of the judges hear each case, and at least three must unite in a decision. They adopt their own rules and elect one of their members presiding judge. The presiding judge corresponds to chief justice (see Index), as he is called in the supreme court of the United States and of many states.

**Officers.** The judges appoint a *clerk* to record all decisions and proceedings; a *reporter*, who must be a lawyer, to publish the opinions and authorities filed by lawyers in cases before the court and the decisions of the court. These decisions are bound and preserved as "South Dakota Reports," and are quoted and referred to as authorities all over the United States; a *marshal*, to serve papers and perform such duties as the sheriff or constable does in lower courts; a *librarian* has charge of the law library; and *stenographers* write out testimony, decisions, etc.

**Jurisdiction.** By the jurisdiction of a court is meant the power of the court to try cases. There are two principal kinds of jurisdiction, original and appellate. By original jurisdiction of a court is meant its power to try cases beginning or originating there. Appellate jurisdiction is the power of a court to try cases that have been appealed to it from lower courts.

**Original Jurisdiction.** Very few cases ever originate in the supreme court. Nearly all of its work is in hearing cases that have been tried in a lower court, to determine whether the trial was legally conducted. Certain cases may begin in this court, usually those involving what are called remedial writs, such as injunctions, writs of mandamus, habeas corpus, certiorari (see "Writs" in

Glossary for definitions of these terms). The circuit court, however, usually issues these writs and tries the cases involved. In case the state auditor refuses to allow a claim against the state, action may be commenced in the supreme court.

**Appellate Jurisdiction.** Appeals may usually be taken to the supreme court from decisions of lower courts on the following grounds: (a) that the judge did not rule correctly as to what evidence should be admitted; (b) that the judge gave incorrect instructions to the jury, or (c) that the evidence was not sufficient to support the verdict. There are other grounds for appeal not so easily explained here. The supreme court may (a) affirm the judgment of the lower court, (b) reverse it, (c) order a new trial of the case, or (d) in certain cases may order a judgment to be entered in the court below.

**No Jury.** As a general rule judges of a court interpret the law and decide what it means in a given case, and juries decide what the facts are if they are in dispute. The supreme court is a court of law, not of fact, so it never has a jury. If a case coming before it involves a dispute as to what the facts are, the case, or that portion of it, is sent to a circuit court, where a jury is called, testimony taken, and the facts decided. There is no appeal possible from a decision of this court *unless the case involves the laws or constitution of the United States* or is a case between citizens of different states, in which case the matter may be transferred to a federal court. The famous Dred Scott decision (see any United States history) was one of this kind.

**Constitutionality of a Law.** Any law, city ordinance, decision of an officer, or legal proceeding of any kind must not violate the constitution of the state. The supreme court of the state is the only one that can finally

decide whether a given law, ordinance, etc., conforms to the state constitution.\*

*To License Attorneys.* To practice law in any court of the state, excepting that of a justice of the peace, one must have a license. These licenses are granted by the supreme court of the state after an examination of the applicants. Graduates of the college of law at the state university are granted licenses without examination. (To practice law in any federal court, one must have a license issued by a United States district court.)

### State Circuit Courts

**Circuit Judges.** The state is divided into twelve districts or "circuits,"† in each of which a judge is elected

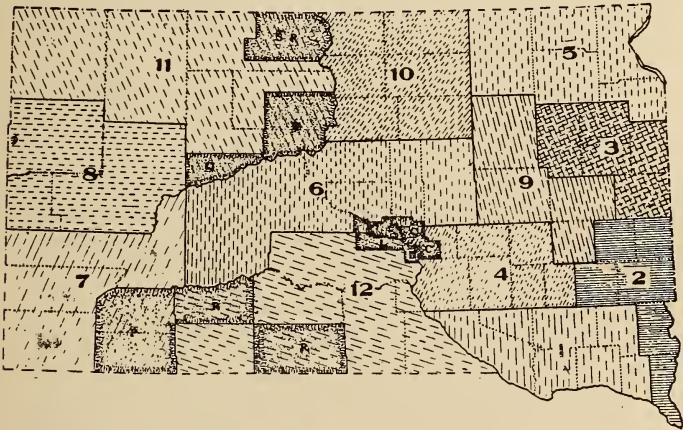


Fig. 62. State Judicial Circuits. South Dakota is divided into twelve judicial circuits. This diagram shows the Indian reservations as bounded in 1911. S. R.—Standing Rock. C. R.—Cheyenne River. C. C.—Cherry in 1911. L. B.—Lower Brule. P. R.—Pine Ridge. R.—Rosebud.

for four years. He must be "learned in the law" (that is, licensed by the supreme court), twenty-five years of age,

\* The supreme court of the United States finally decides whether a law passed by congress, by the state legislature or any other law making body, or any legal decision or proceeding, violates the constitution of the United States.

† Called circuits (Lat. *circum*, around+*ire*, to go) from the fact that the circuit judges go around from county to county trying cases. See Index.

a citizen of the United States, a resident of the state one year, and a resident of the circuit where elected.

**Officers.** Each organized county elects a clerk of the courts (county and circuit courts) and a sheriff, who act as officers of the circuit court when it is held in the county (twice a year in each county). Stenographers are appointed by the judge to take down testimony and other transactions. Any attorney connected with a case that is being tried is also an officer of the court. In case a person accused of crime cannot afford to employ a lawyer to defend him, the judge appoints one and the county pays for his services.

**Jurisdiction.** The circuit court has original jurisdiction in almost any kind of case that may arise. The principal exceptions are as follows:

a. *Probate Cases* (see Index). These are tried in the county court. Many of them may be appealed to the circuit court.

b. *City and Town Ordinances.* Violations of city and town ordinances must be tried before city or town justices or municipal judges.

c. *Federal Cases.* Actions involving the Constitution, treaties, or laws of the United States, or those between states or between citizens of different states are tried in a United States court (see Chapters VIII and XXI). Crimes committed on Indian reservations are also tried in a federal court, and the state courts have no jurisdiction over them.

**Other State Courts.** County, municipal, and justice courts have limited jurisdiction in criminal and civil cases, and have the power of committing magistrates in case of felony. Most cases tried in these lower courts may be appealed to the state circuit court (see pp. 288 and 289).

## Steps in a Trial

**Criminal and Civil Actions.** A criminal action is one prosecuted by the state against a person charged with a public offense or crime. The state is represented by the state's attorney for the county where the offense was committed. A civil action is one brought by a person, firm, or corporation against another person, firm, or corporation. A civil action is usually called a lawsuit.

**Complaint, Summons, Answer.\*** In a civil action the person bringing the action (called the plaintiff) makes a complaint before a judge (or justice of the peace). He or his attorney signs and swears to this. The attorney for the plaintiff then issues a summons to the person against whom the action is brought (called the defendant). In this summons the defendant is notified that he must make answer to the complaint at a certain time.

The summons is served by a sheriff or other peace officer, but may be served by any voter in the county who has no interest in the case. If, in the answer of the defendant, a counterclaim is made, the plaintiff may make a *reply* to the answer. These papers include every point in dispute and are called the *pleadings*. If either plaintiff or defendant fails to appear at the appointed time, he loses his case and must pay the costs of the action besides.

**COMPLAINT, WARRANT, PLEA.** In a criminal action the state of South Dakota is the plaintiff and the person making the complaint before a justice of the peace is called the complaining witness. After the complaint has been made a warrant of arrest is issued, as described in Chapter XI (see "sheriff" in the Index). The accused person (defendant) is taken by the sheriff, or other peace officer, before the justice and required to enter a plea of guilty or not guilty of the

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\*Instead of an answer the defendant sometimes files a *demurrer*, claiming that the court has not jurisdiction, that there are not sufficient grounds to support an action, or that there is some other good and legal reason why the case cannot be tried.

The defendant and plaintiff are called "parties" to an action. This use of the word "party" for person, and its use in such legal forms as contracts and other legal papers, is correct and has the sanction of good usage. Outside of legal documents, however, Webster's International Dictionary condemns the use of the word "party" when one means "person" (see the word "party" in the dictionary). This is equally true of the improper use of such terms as "said," "same," etc. It is well to remember that lawyers and others who frequently use such expressions in legal documents are very liable to use them improperly elsewhere. Thus "The *party* losing her umbrella may find *same* at my office," should be, "The person losing her umbrella may find it at my office."



accusation. Usually a trial cannot be held until witnesses have been summoned and other preparations made. In most cases the accused may furnish bail or security for his appearance at the time of the preliminary examination, otherwise he must stay in jail. In a civil action, it is very rare that the defendant is arrested and held in custody.

**SUBPÆNA, VENIRE.** The summons issued to compel the attendance of a witness is called a *subpœna* (Lat. *sub.* under + *pœna* punishment). The summons requiring the attendance of jurors is called a *venire* (Lat. *venire*, to go).

**The Opening.** After the jury has been selected and sworn, the case is opened by the counsel for the plaintiff (in a criminal case, the state's attorney). He presents the complaint and outlines to the jury what he intends to prove.

**Evidence.** The witnesses for the plaintiff are then examined. The counsel for the plaintiff questions his witness until the facts are brought out, and then the counsel for the defendant questions, or "cross-examines," the witness. After the witnesses for the plaintiff have all testified, the counsel for the defendant opens the case for the defense, explaining to the jury what he intends to prove. The witnesses for the defense then testify, the counsel for the defense first questioning them, and then the counsel for the plaintiff cross-examining them. After the evidence for the defense has been given, the plaintiff may introduce evidence to contradict anything offered in the defense. This is called the rebuttal.

Each witness first takes the following oath, administered by the clerk or by the judge:

"You do solemnly swear that the evidence you shall give relative to the cause now under consideration shall be the truth, the whole truth, and nothing but the truth. So help you God."

To violate an oath is *perjury*, a penitentiary offense.

People usually dislike to give evidence in court against a person. It should be remembered, however, that in a trial a witness does not act in a private capacity, but is

exactly like a public official and represents the public welfare and not his own individual desire. This is equally true of pupils giving testimony in school. There is a marked difference between petty "tattling" and the giving of evidence when questioned by the teacher.

**Arguments.** The counsel for the plaintiff then addresses the jury, presenting his argument. The counsel for the defendant follows with his argument, and then the counsel for the plaintiff closes the argument. This is the usual order of the arguments. The argument is often improperly called the "plea" or "pleading."

**Charge to Jury.** The judge then reads his instructions to the jury as to the law in the case. This is called his charge to the jury. A justice of the peace, not necessarily being learned in the law, never gives such instructions.

**Verdict.** The jury then retire to a room by themselves, consider the evidence, and bring in a decision. If they cannot agree they may be discharged, and a new trial must be held. The verdict (Lat. *vera*, true + *dicere*, to say) in a criminal case is "guilty" or "not guilty." In some cases the jury also determine the degree of crime and punishment. In a civil case the verdict is usually, "We find for the plaintiff in the sum of \$. . . . . and the costs and disbursements of this action, or "We find for the defendant," in which case the plaintiff must pay the costs of the trial.

## The Jury

**Grand Jury.** It is the duty of the grand jury to investigate causes of crime and accuse any who should be tried. In the United States courts the grand jury always meets for this purpose, but in South Dakota a grand jury is not called unless the circuit judge considers it necessary or desirable. In the United States

courts the grand jury consists of from fifteen to twenty-three men; in South Dakota, of from six to eight men.

The grand jury sits in secret; the state's attorney is its legal adviser; and it usually examines only the witnesses against a suspected person. The grand jury does not decide whether a man is guilty, but simply whether there is enough evidence against a person to accuse him and have him arrested and tried. The accusation may take one of two forms. (a) An *indictment* (in-dite'-ment) is an accusation drawn up by the state's attorney and approved by the grand jury. (b) A *presentment* is an accusation made by the grand jury independent of the state's attorney.

**Petit Jury.** The duty of the petit jury is to hear evidence in trials and decide cases. The petit jury consists of twelve men. In criminal cases all must agree in a verdict, but in nearly all civil cases involving no more than one hundred dollars, three-fourths of the jury may decide the case. In justice courts the jury usually consists of six men.

**How Summoned.** Two hundred names of competent persons are chosen from assessors' lists of the various townships, towns, and cities of the county. The clerk of the courts, county auditor, county treasurer and sheriff select by lot from the list of two hundred the number of jurors ordered by the judge of the circuit court. Venires are then issued by the clerk of the courts to the sheriff commanding him to summon the persons thus chosen. The following cannot be compelled to serve as jurors: clergymen, physicians, postmasters, mail carriers, firemen, or those who have served five years as firemen (the latter must be twenty-five years old, and they are also exempt from poll tax), certain county officers, and all persons over sixty years of age.

The common method of selecting jurors in a justice

court is for the justice of the peace to make out a list of twelve suitable persons; the plaintiff is then permitted to strike out three names, the defendant three, and the remaining six are summoned.

**How Impaneled.** The Code of Criminal Procedure (Sections 304 and 306) describes the method as follows:

“At the opening of the court the clerk must prepare separate ballots, containing the names of the persons returned as jurors, which must be folded as nearly alike as possible, and so that the same cannot be seen, and must deposit them in a sufficient box.”

“Before the name of any juror is drawn, the box must be closed and shaken, so as to intermingle the ballots therein. The clerk must then, without looking at the ballots, draw them from the box.”

When a name is drawn, the juror steps forward and is examined as to his qualifications to act as a juror in the case before the court. He may be objected to on certain grounds. The drawing is continued until twelve have been accepted. In case the list of those summoned is exhausted before twelve jurors have been accepted, additional jurors, called *talesmen*, are summoned.

#### MAXIMS OF JURISPRUDENCE.

When the reason of a rule ceases, so should the rule itself.

Where the reason is the same, the rule should be the same.

One must not change his purpose to the injury of another.

Any one may waive the advantage of a law intended solely for his benefit, but a law established for a public reason cannot be contravened by a private agreement.

One must so use his own rights as not to infringe upon the rights of another.

He who consents to an act is not wronged by it.

Acquiescence in error takes away the right of objecting to it.

No one can take advantage of his own wrong.

He who has fraudulently dispossessed himself of a thing may be treated as if he still had possession.

He who can and does not forbid that which is done on his behalf is deemed to have bidden it.

No one should suffer by the act of another.

He who takes the benefit must bear the burden.

One who grants a thing is presumed to grant also whatever is essential to its use.

For every wrong there is a remedy.

Between those who are equally in the right, or equally in the wrong, the law does not interpose.

Between rights otherwise equal, the earliest is preferred.

No man is responsible for that which no man can control.

The law helps the vigilant before those who sleep on their rights.

The law respects form less than substance.

That which ought to have been done is to be regarded as done in favor of him to whom, and against him from whom, performance is due.

That which does not appear to exist is to be regarded as if it did not exist.

The law never requires impossibilities.

The law neither does nor requires idle acts.

The law disregards trifles.

Particular expressions qualify those which are general.

Contemporaneous exposition is in general the best.

The greater contains the less.

Superfluity does not vitiate.

That is certain which can be made certain.

Time does not confirm a void act.

The incident follows the principal, not the principal the incident.

An interpretation which gives effect is preferred to one which makes void.

Interpretation must be reasonable.

Where one of two innocent persons must suffer by the act of a third, he by whose negligence it happened must be the sufferer.

—Civil Code.

## QUESTIONS.

*INTERPRETING AND APPLYING LAW.* Why are courts established? Name the five kinds of courts in South Dakota.

### STATE SUPREME COURT.

*SUPREME JUDGES.* Number? Where does the supreme court hold all of its sessions? Their qualifications? How chosen? Term of office? How are vacancies filled? How many judges hear each case? How many must unite in a decision? How is the presiding judge chosen?

*OFFICERS.* Name the officers of the court and their duties.

*JURISDICTION.* What is meant by the jurisdiction of a court? What are the two principal kinds? Define each?

*ORIGINAL JURISDICTION.* What are some of the cases which may originate in the supreme court?

*APPELLATE JURISDICTION.* On what grounds are cases usually appealed to the supreme court? What may the supreme court decide?

*NO JURY.* What does the judge decide in trials? The jury? Why does the supreme court never have a jury? When may cases be appealed from the state supreme court? Give a case of this kind.

*CONSTITUTIONALITY OF A LAW.* Who finally decides whether a legal proceeding violates the constitution of the state? Of the United States?

*LICENSE ATTORNEYS.* Who may practice law? How is a license obtained?

### STATE CIRCUIT COURTS.

*CIRCUIT JUDGES.* Into how many circuits is the state divided? How many judges in each? Term? His qualifications?

*JURISDICTION.* Name three kinds of cases which may not originate in the circuit court. Other cases, from murder to a petty lawsuit, may originate in this court.

*OTHER STATE COURTS.* Name the other courts of the state.



*STEPS IN A TRIAL.*

*CRIMINAL AND CIVIL ACTIONS.* What is a criminal action? See the term "action" in the Glossary.

*COMPLAINT, SUMMONS, ANSWER.* Define plaintiff. Defendant. See these terms in the Glossary. What is a civil complaint? Who issues a summons? Who serves the summons? What are these three papers called? What is a reply? A demurrer?

*COMPLAINT, WARRANT, PLEA.* Who is the plaintiff in a criminal action? Describe a warrant of arrest. What is bail? See "bail" in the Glossary.

*SUBPŒNA, VENIRE.* What are these? See Glossary.

*THE OPENING.* How is the case opened?

*EVIDENCE.* Which witnesses are examined first? When does the counsel for the defense open his side of the case? What oath does a witness take? If a witness does not like to use the word "swear" he may say "affirm," though the effect is exactly the same. What is perjury? Distinguish between giving evidence and "tattling."

*ARGUMENTS.* What is the usual order of the arguments by the lawyers?

*CHARGE TO JURY.* What is this? Why does not a justice of the peace give such instructions to the jury?

*VERDICT.* What is the original (Latin) meaning of this word? What is the verdict in a criminal case? In a civil case?

*THE JURY.*

*GRAND JURY.* What is the duty of the grand jury? What courts call this jury? When is it summoned in South Dakota circuit courts? How many jurors? Tell what this jury does. What is an indictment? A presentment?

*PETIT JURY.* The duty of this jury? Number of jurors? How many must agree in a verdict.

*HOW SUMMONED.* Explain how jurors are chosen. Who are exempt from jury duty? What is the method of selecting jurors in a justice court?

*HOW IMPANELED.* Explain the method. What are talesmen?

*MAXIMS OF JURISPRUDENCE.*

These are principles which guide when the law makes no definite provision. Read them carefully. Repeat ten of them.

## CHAPTER XVI

### THE PUBLIC SCHOOL SYSTEM

*The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools, wherein tuition shall be without charge, and equally open to all, and to adopt all suitable means to secure to the people the advantages and opportunities of education.—Art. VIII, Constitution.*

**Education in a Republic.** In kingdoms a prince is educated with great care because some day he may become king and will then have many responsibilities. In a republic like ours, where enlightened public opinion rules, all of the boys and girls are princes and princesses who are certain some day to be the rulers of the greatest country on earth. It is supremely important, then, that they be educated and trained for their duties and responsibilities. The ballot is powerful, but intelligent public sentiment is far more powerful, because votes are the expression of public convictions. It is important, then, that all young people be educated even though many of them never vote or hold office.

**Public Education.** Education is a public necessity, for all children have need of training for citizenship. It is right, then, that the public should compel parents to educate their children and should provide schools at public expense. Churches or private organizations may assist in this important work if they wish, but they should never be given public money to carry on the work. As a rule, children should be educated by the people and for

the people, rather than by a special interest, for that special interest, however important it may seem.

“No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gift or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state.”—Art. VIII, Constitution.

**Compulsory Education.** The session laws of 1909 provide for compulsory education as follows:

“Every person having under his control a child between the ages of eight and fourteen, both inclusive, shall annually cause such child to regularly attend some public or private day school for the entire term during which the public school in the district in which he resides is in session. Provided, that the district board may decrease the required term of attendance to not less than sixteen weeks, twelve weeks of which must be consecutive.”

Truant officers are appointed by the boards in cities and towns having independent school districts, and the county superintendent is the truant officer for other districts in his county. Any persons who employ children under the age of fifteen during hours when the public schools are in session may be punished.

### School Districts

**School Corporations.** For the purpose of maintaining public schools the people of the state are organized into school districts. Like the county, township, town, and city, a school district is a corporation, and as such it may sue or be sued, make contracts, own property, and manage its affairs through its officers. Some school districts are still governed by special charters granted by the territorial legislature before 1889. These may reorganize and be governed by the general laws of the state.

**Kinds of Districts.** We have a great variety of school districts in this state, some districts comprising the

people of a small area supporting only one school and some comprising the people of several townships supporting many schools. They are all governed by the same general laws and have boards with the same powers, the principal differences among them being the area and number of schools maintained in each. Provision is made for dividing the districts that are considered too large or consolidating them if that is desired. Experience seems to indicate decided advantages where the district is made larger rather than smaller. To distinguish these from the "independent" districts provided for towns and cities, we may call them common school districts. It should be borne in mind, however, that independent districts provide "common school" education and common school districts are in most particulars as "independent" as those in cities and towns.

**Common School Districts.** As a general rule a common school district comprises the same area as a civil township. The school board consists of a chairman, elected in 1907 and every three years thereafter; a clerk, elected in 1908 and every three years thereafter; and a treasurer, elected in 1909 and every three years thereafter. The election occurs on the third Tuesday of June, beginning at 2:00 o'clock P.M., closing in two hours in districts having but one school and in four hours in districts having more than one school. At 3:00 o'clock the voters assemble and may decide when schools shall be in session, how much money shall be raised by taxation, provide for repairs to school buildings, the removal of them, the erection of new ones, etc. Special school meetings may be called by a petition of five voters.

The school board carries out the decisions of school meetings and makes all provisions not agreed upon then. It provides transportation for children when necessary, employs teachers, plants trees and shrubs on the school

grounds, and, in general, has charge of the property and affairs of the district. The board holds regular meetings on the second Tuesday in July and the last Tuesday in November and March. Special meetings may be held at any time.

The duties of the members of the board are expressed in their titles. The *chairman* presides at meetings of the board and school meetings, and signs warrants for the payment of money. The *clerk* keeps records of the transactions of the board and of school meetings, draws warrants on the treasurer for the payment of money, posts election notices, takes a census of the children of school age (over six and under twenty-one) in the district, and sends reports of the census and other matters concerning the school district to the county superintendent. He reports the tax levy to the county auditor. The *treasurer* cares for the money of the school district. School district taxes are paid to the county treasurer and he sends the money thus collected to the school district treasurer. Tuitions paid by pupils who do not live in the district are paid to the district treasurer. Vacancies on the board are filled by appointments made by the county superintendent until the next election.

**Township High School.** Provision is made for the organization of township districts for the purpose of maintaining a high school. Several townships may unite for this purpose. The other school districts in the township or townships continue to manage their common schools as before.

**Independent Districts.** Most cities and towns of the state are organized as independent districts, though in some cases they are simply a part of a common school district as just described. The independent school district usually has the same boundaries as the city or town, though it may include outside territory. The pupil



should think of the people of a city or town as organized for educational purposes as a school corporation, with officers and property; and the same people as organized for governmental purposes as a civic corporation, with officers and property. Each corporation is entirely separate from the other,—indeed, a member of the city council cannot be a member of the school board.

**How Organized.** Any city or town having a population of one hundred or more within a radius of one mile from the center, whether incorporated or not, may organize an independent district. A majority of the voters petition the county superintendent and he provides for the necessary elections to decide the matter and to elect officers.

**Board of Education.** The board having charge of the property and affairs of an independent district is called the board of education and consists of five members, each elected from any portion of the district for two years. (In cities under commission each is elected for five years, one each year, at the regular municipal election.) School elections are held on the third Tuesday in June, except in cities under commission, the polls being open from 8:00 A. M. until 5:00 P. M. A clerk is appointed by the board and the people elect a treasurer for three years, neither being a member of the board. The duties and powers of the board are very much like those of the school boards of common schools, having somewhat greater power in taxation and issuance of bonds, building school houses, and providing for a high school.

### Teachers' Certificates

“No person shall be allowed to teach in any of the public schools of this state nor draw wages as a public school teacher who is not a holder of a valid teachers' certificate.”

“No person shall be entitled to a certificate of any grade who has not attained the age of eighteen years and who does not present evidence of good moral character.”—Session Laws, 1907.

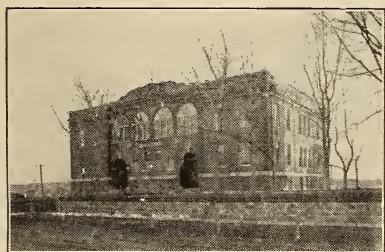
# HIGH SCHOOL BUILDINGS.



Sioux Falls.



Watertown.



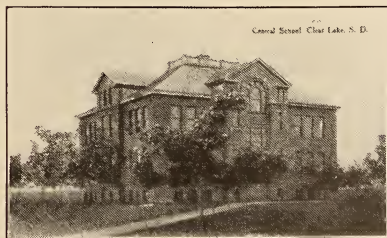
Pierre.



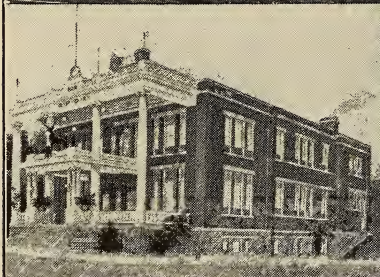
Redfield.



Armour.



Clear Lake.



# SOME ARTISTIC STRUCTURES.

Methodist Church, Aberdeen.

Court House Square and Co. H Monument, Watertown.

Elks' Club House, Watertown.

Carnegie Library, Milbank.



**Professional Certificates.** Two kinds of professional certificates are issued by the superintendent of public instruction—life diplomas and state certificates. Either one entitles the holder to teach in any common school or high school of the state.

A *life diploma* may be obtained by a teacher who has had forty months of successful experience if (a) he is a graduate of the state university or an approved college and has taken a certain amount of professional work; (b) if he is a graduate of a state normal school, or normal school of equal grade, and has taken at least six years of work beyond the eighth grade; or (c) by passing examinations.

A *state certificate*, valid for five years, may be obtained by graduates of state normal schools, or other schools of equal rank, providing the course completed extends six years beyond the eighth grade and contains a certain amount of professional work, and providing also that the applicant has had eighteen months' successful experience in teaching.

Provisional certificates, of equal rank with state certificates and valid for two years, are issued to normal school graduates who have not had the required experience in teaching. A state certificate may also be obtained by examination provided the applicant has had at least twenty-four months' successful experience. The longer experience is required for those who are not normal school graduates because of their lack of professional training, which includes practice teaching under trained critics. A state certificate may be renewed.

**Elementary School Certificates.** Four kinds of certificates are issued by the superintendent of public instruction, which entitle the holders to teach in the first eight grades of the public schools. *First grade* certificates are valid for three years in any county of the state. To

obtain one of these certificates a person must pass a suitable examination or do four years' work beyond the eighth grade, two years of which must be in a state normal school or an approved school which has a normal department in which professional work and practice teaching are done. Successful experience covering a period of months is also required. The first grade certificate may be renewed without examination if the teacher is successful. A *second grade* certificate may be obtained by examination or by doing two years' normal school work beyond the eighth grade. It is valid for two years. *Third grade* certificates may be obtained only by examination and are valid for one year in a certain district designated by the county superintendent. Only two of these certificates may be issued to the same person. A *primary certificate* may be issued to teachers in kindergartens and in first and second grades of city and town schools. It is valid for five years in the county where issued but may be made valid in other counties by the endorsement of the county superintendent.

A *regents' certificate* is a state certificate equal to one of the first grade and is valid anywhere in the state for two years. It is issued by the state board of regents to students who have attended a state normal school at least twenty-two weeks and have accomplished a certain amount of professional work.

*Special certificates* of the first, second, or third grade may be issued by county superintendents to applicants who were unable to be present at the regular public examination. Such certificates, like the other elementary school certificates, are valid only in grades below the high school and only until the next regular examination.

**Special Provisions.** In independent districts in cities of the first class (having a population of 10,000 or more) the board of education appoints two persons who, with



the city superintendent as chairman, constitute an examining committee. This examining committee has power to issue certificates to teachers in that district.

In independent districts special teachers of music, drawing, penmanship, bookkeeping, foreign languages or kindergarten methods are not required to hold certificates.

**Fees for Certificates.** Fees must be paid by applicants for certificates as follows: Life diplomas, ten dollars; state certificates, five dollars (either one is free to resident college or normal school graduates); other certificates, one dollar. One-half of the fee is returned in case the applicant fails in the examinations.

*REVOCATION OF CERTIFICATES.* "The county superintendent is hereby authorized and required to revoke at any time first, second, or third grade certificates and primary teachers' certificates for any cause which would have prevented the issue of the same,—for incompetency, immorality, intemperance, violation of the state law, cruelty, general neglect of the business of the school,—and for refusal and neglect to attend regularly a county institute and at least one district institute each year, after due notice, provided that holders of first (grade) or higher certificates, in force, who have attended regularly at least four normal institutes may be excused by the county or state superintendent, in his discretion, from attendance at county institute for such current year."—Session Laws, 1907.

For similar reasons the state superintendent may revoke life diplomas or state certificates, and the city superintendent of cities of the first class may revoke certificates issued by the examining committee of which he is chairman.

### SCHOOL LAW ITEMS

*BIBLE READING.* "No sectarian doctrine may be taught or inculcated in any of the schools of the corporation, but the Bible without sectarian comment, may be read therein."

*TREE PLANTING.* "It is hereby made the duty of the officers of every school district in the state of South Dakota to plant trees and shrubs upon the grounds of each school house in their district and to encourage the school children to plant such trees and shrubs and to cultivate and protect the same."

**CONSOLIDATION.** "Any school in the district may be discontinued by the district school board, for the purpose of combining two or more schools into one and to make arrangements for the transportation of the pupils to said school or schools if, in the judgment of the board, it is to the best interests of the pupils and the district."

**SCHOOL PERIODS.** "The school year shall begin July first and end June thirtieth. A school month shall consist of twenty days, a school week of five days, a school day of five hours, exclusive of intermission. Provided, that the time specified as a school day shall not apply to primary schools. Saturdays shall not be counted as school days."

**SCHOOL HOLIDAYS.** "The teacher shall not hold school upon any of the following legal holidays: The thirtieth day of May, the fourth of July, the day appointed by the President of the United States for national thanksgiving, and the twenty-fifth day of December. But such days shall count as a part of the term and the teacher shall be paid therefor, but such pay shall not be drawn for any Sunday."

**COMMON SCHOOL SUBJECTS.** "Instruction shall be given in the common schools of the state in the following branches, in the several grades in which each may be required, viz.: reading, writing, orthography, arithmetic, geography, primary language and English grammar, history of the United States, history of South Dakota, physiology and hygiene, with special instruction as to the nature of alcoholic drinks and narcotics and their effects upon the human system, civil government, and drawing."

**ETHICAL INSTRUCTION.** "Moral instruction intended to impress upon the mind of pupils the importance of truthfulness, temperance, purity, public spirit, patriotism and respect for honest labor, obedience to parents and due deference for old age, shall be given by every teacher in the public service of the state."

## QUESTIONS.

**EDUCATION IN A REPUBLIC.** Show the need for general education in a republic. What is more powerful than the ballot?

**PUBLIC EDUCATION.** Show that the public should compel parents to educate their children. What does the constitution of the state provide concerning the public money for sectarian schools?

**COMPULSORY EDUCATION.** What is the law in South Dakota?

## SCHOOL DISTRICTS.

**SCHOOL CORPORATIONS.** What are the general powers of school districts?

**KINDS OF DISTRICTS.** What can you say as to the size of school districts in this state? What may be done if the district is considered too large or too small? What are the two classes of districts?

**COMMON SCHOOL DISTRICTS.** What is the usual area comprised? How many members of the school board? Their titles? When is each elected? Describe the school meeting. What are the

duties of the board? Of each member of the board? How are vacancies filled?

*TOWNSHIP HIGH SCHOOL.* Explain how districts may consolidate for a high school.

*INDEPENDENT DISTRICTS.* What are the usual boundaries? Show the relation of the school district to the city or town.

*HOW ORGANIZED.* Explain how an independent district may be organized.

*BOARD OF EDUCATION.* Number of members? Terms? When elected? How is the clerk selected? The treasurer? What is said of the powers of the board?

### *TEACHERS' CERTIFICATES.*

How old must a teacher be? Why is a good moral character required of a teacher, but not of a member of the school board? Should not a good moral character be required of every public servant?

*PROFESSIONAL CERTIFICATES.* How may a life diploma be obtained? A state certificate? For how long valid? How are provisional certificates obtained? What is their rank?

*ELEMENTARY SCHOOL CERTIFICATES.* Where may one teach if he has one of these certificates? Who issues them? Explain how each of the four kinds may be obtained, and for how long it is valid. Tell how a regents' certificate may be obtained. What special certificates may be issued? By whom?

*SPECIAL PROVISIONS.* What special powers in granting certificates have independent districts in cities of the first class?

*FEES FOR CERTIFICATES.* What fees are charged for teachers' certificates?

*REVOCATION OF CERTIFICATES.* For what causes may certificates be revoked? By whom?

### *SCHOOL LAW ITEMS.*

What are the provisions of the law concerning Bible reading? Tree planting? Consolidation? School years, months, and days? School holidays? Common school subjects? Tuition for eighth grade graduates?

*“That the nation shall, under God, have a new birth of freedom, and that government of the people, by the people, for the people, shall not perish from the earth.”—Lincoln.*

## CHAPTER XVII

### NOMINATIONS AND ELECTIONS

**Popular Elections.** That those who are clothed with the power of carrying on the government may administer their duties for the benefit of the public rather than for their own interest, we elect them for a limited time. In some cases, as in cities under commission, the people may recall an officer who is not considered a competent or faithful public servant.

**Political Parties.** Differences of opinion give rise to political parties. This is illustrated in the first division of the people into political parties after the adoption of our federal constitution. Washington was unanimously elected President. There were no national parties, the nearest approach to them being the division of sentiment as to whether the constitution should be adopted or not, and this difference of opinion rapidly disappeared. John Jay was then in charge of the department of foreign affairs and continued after Washington became President. When congress provided for a secretary of foreign affairs (later called secretary of state) Washington asked Jay to accept the office. Jay refused the appointment, preferring a later one as chief justice of the supreme court, and Washington offered it to Thomas Jefferson, then minister to France, and presumably the next best informed person on foreign affairs. Robert Morris, who had charge of the finance department before the constitution took the place of the articles of confederation, was

offered the position of secretary of the treasury. He declined, but recommended a younger man, Alexander Hamilton. Washington had a very high opinion of this brainy young man and appointed him. Henry Knox was continued as secretary of war, and Edmund Randolph was appointed to fill the new office of attorney general. Washington considered the chief justice of the supreme court, John Jay, and the Vice-President, John Adams, his official advisers as well as members of his cabinet. These men were not selected from opposite political parties, as was once taught, but new political parties soon arose because of differences of opinion which developed among these men as to the policy and plan of carrying on the government. It soon appeared that Jefferson and Hamilton were the real leaders in political action, Jefferson favoring a strict adherence to the constitution and being very democratic, and Hamilton being aristocratic and favoring a liberal or "loose" interpretation of the constitution.

Hamilton recommended that congress charter a United States bank, somewhat like the Bank of England, of which the government should be a stockholder and part manager. Jefferson opposed the plan because he could not find that any power to establish a bank was given to congress in the constitution. Hamilton argued that the constitution gave congress power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," among which was the power "to lay and collect taxes," "to pay the debts," etc. The basis for two political parties, bound to arise among thinking men, grew out of the differences between these two leaders who, as Jefferson said, were "pitted against each other every day in the cabinet like two fighting cocks."

The construction or interpretation given to the constitution by Hamilton and his followers is called "loose," "elastic," or "broad," and we say they were "loose constructionists." They called themselves Federalists, the name which had previously been applied to those who favored the new constitution. Jefferson and his followers were said to be "strict constructionists," and the followers which rapidly formed about them in opposition to the Federalists were called by themselves Republicans, by their opponents, Democrats.

In 1793 France declared war on Great Britain. We had made a treaty alliance with France in 1778 by the terms of which both the United States and France agreed to protect forever each other's pos-



sessions in America. France expected us to help her defend her West India islands. Washington asked his advisers whether the treaty was in force. Jefferson said "yes," and, strictly interpreting the treaty, he was doubtless right, though such an interpretation meant another war with Great Britain. Hamilton said "no," our national existence depended upon our keeping out of European wars. Washington adopted Hamilton's view and issued his famous neutrality proclamation, which was of untold benefit to us. In those days our national politics took color from the great struggle then going on in Europe, the Federalists siding with England and the Republicans taking the side of the French. A visitor to the United States at that time remarked that he found "many who favored France, many who favored England, but none who favored the United States."

**Group Action.** Every person is greatly influenced by the opinions of the community and of leaders. What one thinks is proper to wear, to eat, to say, and to do, is not due so much to his independent judgment as to the influence of public opinion. There are certain sentiments, beliefs, and standards of action which the group has, and these shape to a large extent the sentiments and convictions of each individual. As people become more civilized they think and act more in common. This is called the "solidarity of the race." We say we "belong" to a certain church, to this political party, or to that society or lodge. And we do "belong" to them—are governed by them in our thoughts and actions—more than we appreciate. Nearly all people who are not members of any church really belong to the great Christian world of men and women, are following the same ideals, cherish the same hopes, and contribute to the same worthy causes. Now this is just as true of political parties as it is of churches. Our political beliefs and utterances, our votes and legal actions, are due to the great body of beliefs, of attitudes, and of desires as to government which society as a whole has developed. *"I am half of what I am because others are what they are."*

**Need for Political Parties.** Political parties are needed in developing ideals of government, standards of public

action and public welfare, just as churches are needed for developing religious ideals and standards of conduct and morality. Each is a social instrument for carrying on a great work. The church is much more pure, and its defects are much fewer, but the very fact that politics is so often corrupt, insincere, and base, is the best reason in the world why all true citizens should co-operate more actively so that justice and civic righteousness may rule. As long as political parties are corruptly managed, so long will our government be dishonest, and influences for evil will flourish. It is just as important, perhaps even more important, that people take an earnest and intelligent interest in nominating candidates as in electing officials; in forming wholesome public sentiment on temperance and honesty, as in seeing to it that the liquor laws are enforced and that robbery is punished. A law which is not supported by public sentiment will be a "dead letter," but a public sentiment will often enforce action when there is no support of law, or it will soon secure legal support.

**The Independent Voter.** While party support and co-operation is necessary to get good government, the voter should not be a slave to his party. Most persons belong to the parties of their fathers and many have not the courage or intelligence to think and vote independently. They always vote the "straight party ticket," they are blind followers of political "bosses." Party support and party loyalty is a good thing, *but the public good should always be first,—a political party is only a means to good government.*

### Nomination of Candidates

**Caucus and Convention Method.** Before 1907 candidates for office in South Dakota were nominated as follows: A caucus, or gathering of the voters of a political

party in a township, town, or city ward, was held. This was also called the primary (Lat. *primus*, first). Here in open meeting delegates were selected to a county convention. The county convention selected delegates to a state convention, and this convention selected candidates for state offices, for congress, and, in presidential years, for presidential electors. The state conventions also selected delegates to a national convention which nominated candidates for President and Vice-President. Later in the summer caucuses were usually again held, delegates elected to county conventions, and these county conventions selected candidates for county offices. Each political party held its own caucuses and conventions. It was so easy for a skillful politician and a few interested persons to control the caucus and the convention that very often men were nominated regardless of their fitness and honesty. A few political leaders usually controlled the political party and the term "political boss" came to be applied to many of them.

**Primary Election Method.** Many people believed that if the conventions were done away with, so far as possible, and the voters of a party could vote directly for candidates, there would be less opportunity for political corruption. The legislature of 1907, therefore, provided that candidates for state, legislative, and county offices should be selected by the party voters of each party on the second Tuesday of June, 1908, and every two years thereafter. Republicans are given ballots on which are printed the names of all Republican candidates for state and county offices. Democrats are given ballots containing the names of Democrats who seek nomination of their party, and the Prohibitionists, Socialists or any other political party have their own separate tickets.

One defect in this plan is that it is possible for Democrats to ask for Republican tickets and then help nomi-

nate undesirable candidates, or for Republicans to take Democratic tickets. To prevent this the legislature of 1911 provided that each voter must sign a declaration that he is a member of a certain political party and that he intends to support the candidates nominated by it.

To have his name printed on one of these ballots, a candidate must get a petition signed by from one per cent to five per cent of the voters of his party in the state, if it is a state office, or from three per cent to five per cent in the county if it is a county office. While this is called a primary *election*, it is *not an election to office*, but simply to a place in the column of party candidates on the ballot used in the November election.

**EXAMPLE.** Suppose that A, B, and C are all Republicans and that each seeks to get the nomination of his party for county judge. Each one must have a petition signed by not less than three per cent of the Republicans of the county, nor more than five per cent of them (the number is determined from the number of Republican votes for governor in that county at the last election). These petitions are filed with the county auditor, who must have their names printed on the Republican ticket. At the June primary election the Republicans will elect A, B, or C as their party candidate for county judge. Suppose A is chosen. In the November election, then, A's name will appear on the ballot as the Republican candidate for this office. In a similar way a Democratic candidate for county judge is nominated by the Democrats at the June primary election, and thus each of the other political parties nominates its candidates. Now at the November election the voter is given a ballot containing the names of all of those candidates (see p. 231). If he wishes to vote for the Republican candidate for county judge, he makes an X before the names of A, the Republican candidate. Or, if he wishes to vote for the candidate of some other party, he may do so.

A primary election is held in March in presidential years to elect delegates to county conventions, which elect delegates to the state convention, which elects delegates to a national convention, which nominates candidates for President and Vice-President (see Chapter XX). At the June primaries, delegates are elected to conventions which adopt party platforms, fill vacancies on the party ticket, etc.

**United States Senator.** The state legislature elects United States Senators. This method has proven so very unsatisfactory that repeated efforts have been made to amend the constitution of the United States so that the people may directly elect them, but every attempt has been defeated by the United States senate, many of the senators knowing well enough that they could never hope to be chosen if the will of the people could assert itself in a general election. For a long time, however, political parties in South Dakota have been accustomed to nominate their candidates for this office. When the legislature meets the members of the party in power never have failed to choose the man who was nominated by their party.

**Primary Method Unsatisfactory.** The law of 1907 has not operated with a very large measure of satisfaction, though it has convinced everyone of the serious defects of the old plan. Changes in many details will doubtless be made from time to time. In general outline, however, the primary election plan will doubtless remain for a long time.

## Elections

**The Campaign.** Each political party usually has a national committee, made up of one member from each state and territory; a state committee, made up of one member from each county; a county committee, made up of one member from each voting precinct, and a local committee for each township, town, and city. These committees look after party interests, employ speakers, send out campaign literature, and, in general, have charge of the political campaign. In the heat of an election contest many things are said and done that would not occur ordinarily. In former days there used to be torch light processions, "barbecues" where whole roasted oxen were



eaten and intoxicating liquors were freely dispensed, and other spectacular events. The appeal today is more to the intelligence of the voter and less to his passions.

**Polling Places.** A place to vote must be provided for each township, city, and town (if fifty voters petition for it). If there are more than five hundred voters in a precinct it may be divided. In ward cities there is one polling place for each ward. The room is usually divided off by a railing, within which are the judges of election having charge of the ballots and ballot boxes, and booths which are so arranged that each voter may enter one and mark his ballot secretly. There must be one booth for every fifty voters.

**Judges of Election.** The county commissioners appoint three voters from each voting precinct to act as judges of election. They must appoint the persons named by different political parties, if the county committee of a political party does not name a judge, county commissioners use their own judgment. One of the judges is named as superintendent and he has charge of the erection of booths. The three judges appoint two clerks to assist them. Each judge and clerk must take an oath to perform his duties according to law and "to prevent fraud, deceit and abuse" in the election.

**Ballots.** The county auditor must provide ballots containing the names of candidates and separate ballots for proposed amendments to the constitution and laws to be voted on (by initiative or referendum). One hundred ballots are furnished each precinct for every fifty votes cast there at the preceding election. Sample ballots, printed on different colored paper, and instruction cards are also furnished by him. The ballots for amendments and laws contain simply the titles of those proposed with places for marking. The proposed amendments and laws

are printed and mailed to each voter in advance of the election, so that he may be informed concerning them.

**Method of Voting.** The voter advances to the judges and is given a ballot (or ballots), having stamped on the back "Official Ballot," signed with the initials of one of the judges. He then goes to a booth and with a pencil or stamp marks it as he wishes to vote. He then folds it so that the stamp shows and hands it to a judge, announcing his name to the clerks. The judge deposits the ballot in the ballot box and the clerks check the person's name to show that he has voted.

A voter who is blind or physically unable to mark his ballot may be assisted by two of the judges belonging to different political parties. No electioneering (urging people to vote for certain candidates or propositions) is permitted inside the polling place or within fifty feet of it. Any voter may require leave of absence from his work for two hours, without loss of pay, in order to vote. The voter must not make any private mark on his ballot by which it may be identified. This is to prevent people from selling their votes and then having something on the ballots to show that they voted as they promised.

**Qualifications of Electors.** An elector is a voter. The constitution of South Dakota (Article VII) provides that any person must have the following qualifications:

1. Male resident of the state.
2. Twenty-one years of age.
3. A citizen of the United States or an alien who has declared his intention to become a citizen (see "Naturalization," in chapter XV).
4. Resided in the United States one year before the election, in the state six months, in the county thirty days, and ten days in the election precinct where he offers his vote.

**Woman Suffrage.** Suffrage means the right to vote. Women do not have the right to vote in South Dakota except "at any election held solely for school purposes." To vote at a school election a woman must have qualifications (2), (3), and (4).

**Disqualifications.** The following persons may not vote in South Dakota:

1. Those who lack any one of the four qualifications.
2. Insane persons or those under guardianship.
3. A soldier of the United States army or sailor of the navy who may be stationed in the state, unless his home was here when he enlisted. A soldier or sailor or any person employed by the United States who leaves the state in the discharge of his duties does not lose his residence but may return home at election time and vote. This is true of a student attending school.

4. "Nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civic rights."—Art. 7, Constitution.

5. A person convicted upon impeachment charges may be disfranchised (deprived of the right to vote) and disqualified from holding office.

6. An Indian who has not "severed his tribal relations," that is, who still lives on a reservation and is subject to the control of the agency. Such Indians are said to be "wards of the United States," and cannot buy or sell land, cattle, horses, or other property and cannot even kill their own cattle without permission of the agent on the reservation. This guardianship is necessary to protect them. Many of the Indians of South Dakota live in citizen communities and vote and hold property, and many are very prosperous.

**Challenging.** If it is believed that a person who offers to vote is not legally qualified, his right to vote may be challenged by one of the judges or by any other voter. The judges then explain to him the qualifications of a voter. If he declares he is qualified, he may be required to take an oath to that effect and may be required to sign it. A violation of an oath is called perjury and is a penitentiary offense.

**Canvassing Returns.** The polls are open, in general elections, from 8:00 o'clock A. M. until 5:00 P. M. When the polls are closed the judges open the ballot box and publicly count the ballots to see that there are not more ballots than the poll list (list of voters) shows. If several ballots are found folded together they are destroyed. The votes for each candidate are then carefully counted, entered in the poll book, and certified by the judges and clerks. The votes and poll list are put in the ballot box, which is locked and sealed (with white paper seals having the names of the judges) and sent to the chairman of the county commissioners. If the election is for local offices, returns are sent to city council or town board. The key to the box and the poll book are sent to the county auditor. These votes are canvassed by the county auditor and a majority of the county commissioners (or the county treasurer, county judge and one county commissioner, none of whom could have been candidates at the election). The poll books are carefully looked over and a list is made of the votes received for the different candidates in the various polling places of the county. In this way they decide what county officers have been elected. The county auditor makes an abstract, or summary, of the votes cast for various candidates and sends it to the secretary of state (he also sends copies of the abstract of votes for state officers to the governor, and to the presiding judge of the supreme court). The state board of canvassers then add up the votes from the various counties and decide who were elected to those offices which are filled by state-wide election (see Chapter X).

**Contested Election.** If a defeated candidate thinks the votes have been incorrectly counted he may bring action in court to have the ballot boxes opened and the ballots all recounted.

**The Short Ballot.** There are so many candidates for so many offices that the average voter knows very little about any of them. Few men besides professional politicians can name even one-half of the men he has voted for after he has handed his ballot to the election judge, and of that half he knows very little. Because of these conditions there has grown up a strong movement in the United States, supported by a large number of our best statesmen and safest leaders, to elect only those officers who have general administrative powers, having them appoint such officers as have clerical or technical duties. The county commissioners could appoint their own clerk (county auditor), a surveyor, coroner, register of deeds, etc. If we elected only a few officers at a time we would become far more familiar with their qualifications and our elections would be less dependent upon the political "boss" and political "machine,"—the people and not a small group of politicians would choose the officers.

"The short ballot principle has been endorsed by every living American writer on political science."

**Longer Term and Recall.** In order that only a few officers be elected at one time it would be far better to have the term of office longer. To prevent the person who is elected for four or six years from misusing his powers, the people should have the right to recall an official,\* as is now done in cities under commission (see Chapter XIV). The principles of the short ballot, longer term, and recall will gradually be accepted by our best and most patriotic citizens, and when adopted will prove to be the greatest political change since the principle of government by the people was established in the world.

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\* An exception should be made in case of our higher judges, who should be independent to a very great extent.



## QUESTIONS.

*POPULAR ELECTIONS.* Why are officers elected for a limited time?

*POLITICAL PARTIES.* What gives rise to political parties? Explain how Washington selected his cabinet. Who became the leaders? What did each advocate? What political parties arose? What foreign nation did each party favor?

*GROUP ACTION.* What influences individuals? Explain. What is meant by the "solidarity of the race"? Explain.

*NEED FOR POLITICAL PARTIES.* Why are political parties needed? What is said of the importance of nominating good candidates for office?

*INDEPENDENT VOTERS.* To what parties do most persons belong? Why? What should be more important than the political party?

*CAUCUS AND CONVENTION METHOD.* What is a caucus? How conducted? What did the county convention do? The state convention? What evils resulted from this method?

*PRIMARY ELECTION METHOD.* Explain the plan of the primary election. What is one defect of this plan? How does a candidate get his name on the ballot? What is done in the June primary election? Give an example like the one in the book. When are primary elections held in March? For what purpose?

*UNITED STATES SENATE.* How are United States senators elected? How are candidates nominated in South Dakota?

*PRIMARY METHOD UNSATISFACTORY.* How has the law of 1907 worked?

*THE CAMPAIGN.* What committees do political parties have? What is said as to the conduct of campaigns?

*POLLING PLACES.* What is a polling place? What polling places must be provided in each county?

*JUDGES OF ELECTION.* How many? How chosen? How many clerks?

*BALLOTS.* Who provides ballots? What do the ballots contain? How many ballots are furnished each precinct?

*METHOD OF VOTING.* Describe the method of voting. Explain how a blind voter may be assisted.

*QUALIFICATIONS OF ELECTORS.* Name the four qualifications of a voter.

*WOMAN SUFFRAGE.* At what elections may women vote in South Dakota?

*DISQUALIFICATIONS.* Name the six classes of persons who may not vote.

*CHALLENGING.* When may a person's vote be challenged? By whom? What is done then?

*CANVASSING RETURNS.* When are the polls opened? How are the ballots counted? What is done with the ballots and poll list? Who canvasses the votes for the county? For the state?

*CONTESTED ELECTION.* Explain what is meant.

| Republican Party   |   | Socialist Party   |   | Prohibition Party   |   | Democratic Party  |   | INDEPENDENT CANDIDATES |                  |
|--|---|---|---|---|---|---|---|------------------------|------------------|
| <input type="radio"/>                                    |   | <input type="radio"/>   |   | <input type="radio"/>   |   | <input type="radio"/>   |   | <input type="radio"/>  |                  |
| Presidential Elector—<br>JOHN L. BROWNE                  | Presidential Elector—<br>IDA W. SHERB                           | Presidential Elector—<br>IDA W. SHERB                           | Presidential Elector—<br>BEN BRAVE                              | Presidential Elector—<br>BEN BRAVE                              | Presidential Elector—<br>ZACK T. BUTLEY                         | Presidential Elector—<br>WILLIAM L. PALMER                      | Presidential Elector—<br>WILLIAM L. PALMER                      | State of Justice       | State of Justice |
| Presidential Elector—<br>C. H. LIEN                      | Presidential Elector—<br>D. E. WILKINS                          | Presidential Elector—<br>D. E. WILKINS                          | Presidential Elector—<br>J. L. DUNLAP                           | Presidential Elector—<br>J. L. DUNLAP                           | Presidential Elector—<br>FRED C. NITTING                        | Presidential Elector—<br>B. O. TAYLOR                           | Presidential Elector—<br>B. O. TAYLOR                           |                        |                  |
| Presidential Elector—<br>JOHN F. SCHAEFER                | Presidential Elector—<br>CHRISTOPHER OGDEN                      | Presidential Elector—<br>CHRISTOPHER OGDEN                      | Presidential Elector—<br>J. W. KENNEDY                          | Presidential Elector—<br>J. W. KENNEDY                          | Presidential Elector—<br>J. T. OGDOWN                           | Presidential Elector—<br>EVERETT FISKE                          | Presidential Elector—<br>EVERETT FISKE                          |                        |                  |
| Representative in Congress—<br>GUTHRIE DOBINO            | Representative in Congress—<br>THOMAS A. WELLS                  | Representative in Congress—<br>THOMAS A. WELLS                  | Representative in Congress—<br>W. M. KACZENIE                   | Representative in Congress—<br>W. M. KACZENIE                   | Representative in Congress—<br>WILLIAM OALYN                    | Representative in Congress—<br>W. S. WINSET                     | Representative in Congress—<br>W. S. WINSET                     |                        |                  |
| Representative in Congress—<br>CHARLES H. STUBBS         | Representative in Congress—<br>THOS. O. LIPPERT                 | Representative in Congress—<br>THOS. O. LIPPERT                 | Representative in Congress—<br>L. R. EUSKINE                    | Representative in Congress—<br>L. R. EUSKINE                    | Representative in Congress—<br>ROBERT E. DOWDELL                | Representative in Congress—<br>LOUIS V. SCHNEIDM                | Representative in Congress—<br>LOUIS V. SCHNEIDM                |                        |                  |
| Representative in Congress—<br>ZEN W. MARTIN             | Representative in Congress—<br>J. C. KNAFF                      | Representative in Congress—<br>J. C. KNAFF                      | Representative in Congress—<br>O. F. KNAFFEN                    | Representative in Congress—<br>O. F. KNAFFEN                    | Representative in Congress—<br>ANDREW H. OLSEN                  | Representative in Congress—<br>ANDREW H. OLSEN                  | Representative in Congress—<br>ANDREW H. OLSEN                  |                        |                  |
| Governor—<br>ROBERT A. YEMERY                            | Governor—<br>W. T. LAFPETT                                      | Governor—<br>W. T. LAFPETT                                      | Governor—<br>O. W. HILL   | Governor—<br>O. W. HILL   | Governor—<br>ANDREW R. LEB                                      | Governor—<br>ANDREW R. LEB                                      | Governor—<br>ANDREW R. LEB                                      |                        |                  |
| Lieutenant Governor—<br>HOWARD C. SHORP                  | Lieutenant Governor—<br>STACY COCHLANE                          | Lieutenant Governor—<br>STACY COCHLANE                          | Lieutenant Governor—<br>W. T. LAFPETT                           | Lieutenant Governor—<br>W. T. LAFPETT                           | Lieutenant Governor—<br>WILLIAM T. LAPOLLETT                    | Lieutenant Governor—<br>WILLIAM T. LAPOLLETT                    | Lieutenant Governor—<br>WILLIAM T. LAPOLLETT                    |                        |                  |
| Secretary of State—<br>SAMUEL C. POLLEY                  | Secretary of State—<br>F. C. LIPPERT                            | Secretary of State—<br>F. C. LIPPERT                            | Secretary of State—<br>O. W. HILL                               | Secretary of State—<br>O. W. HILL                               | Secretary of State—<br>WILLIAM T. LAPOLLETT                     | Secretary of State—<br>WILLIAM T. LAPOLLETT                     | Secretary of State—<br>WILLIAM T. LAPOLLETT                     |                        |                  |
| State Auditor—<br>JOHN SHINDO                            | State Auditor—<br>JOSEPH HINTON                                 | State Auditor—<br>JOSEPH HINTON                                 | State Auditor—<br>H. E. ROBERTS                                 | State Auditor—<br>H. E. ROBERTS                                 | State Auditor—<br>H. E. ROBERTS                                 | State Auditor—<br>H. E. ROBERTS                                 | State Auditor—<br>H. E. ROBERTS                                 |                        |                  |
| State Treasurer—<br>GEORGE G. FORNON                     | State Treasurer—<br>M. O. O'BRIEN                               | State Treasurer—<br>M. O. O'BRIEN                               | State Treasurer—<br>O. R. BROWN                                 | State Treasurer—<br>O. R. BROWN                                 | State Treasurer—<br>O. R. BROWN                                 | State Treasurer—<br>O. R. BROWN                                 | State Treasurer—<br>O. R. BROWN                                 |                        |                  |
| Attorney General—<br>B. W. CLARE                         | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              | Attorney General—<br>B. H. CLANNES                              |                        |                  |
| Superintendent of Public Instruction—<br>HANS A. DUFFED  | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON | Superintendent of Public Instruction—<br>ALICE KNOWLES ANDERSON |                        |                  |
| Commissioner of School and Public Lands—<br>O. C. DORSEN | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      | Commissioner of School and Public Lands—<br>THOS. A. WELLS      |                        |                  |
| Railroad Commissioner—<br>F. C. ROBINSON                 | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            | Railroad Commissioner—<br>J. J. DUNN                            |                        |                  |
| State Senator 1st District—<br>JOHN R. WATERS            | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       | State Senator 1st District—<br>C. R. HAYS                       |                        |                  |
| State Senator 2nd District—<br>IDA O. CORTIS             | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     | State Senator 2nd District—<br>W. B. BIRNEY                     |                        |                  |
| Representative 1st District—<br>B. W. TAYLOR             | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      | Representative 1st District—<br>J. O. KUNY                      |                        |                  |
| Representative 2nd District—<br>AUGUST BENN              | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  | Representative 2nd District—<br>OTTO H. JONKER                  |                        |                  |
| Representative 3rd District—<br>O. A. SPANSON            | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                | Representative 3rd District—<br>D. O. MCLAUGHLIN                |                        |                  |
| Representative 4th District—<br>J. A. NORTH              | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      | Representative 4th District—<br>FRED OLSEN                      |                        |                  |
| County Judge—<br>A. L. REMAUGHTEN                        | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  | County Judge—<br>D. G. STEWART                                  |                        |                  |
| County Auditor—<br>A. L. REMAUGHTEN                      | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                | County Auditor—<br>D. G. STEWART                                |                        |                  |

Fig. 86. A Typical Ballot,

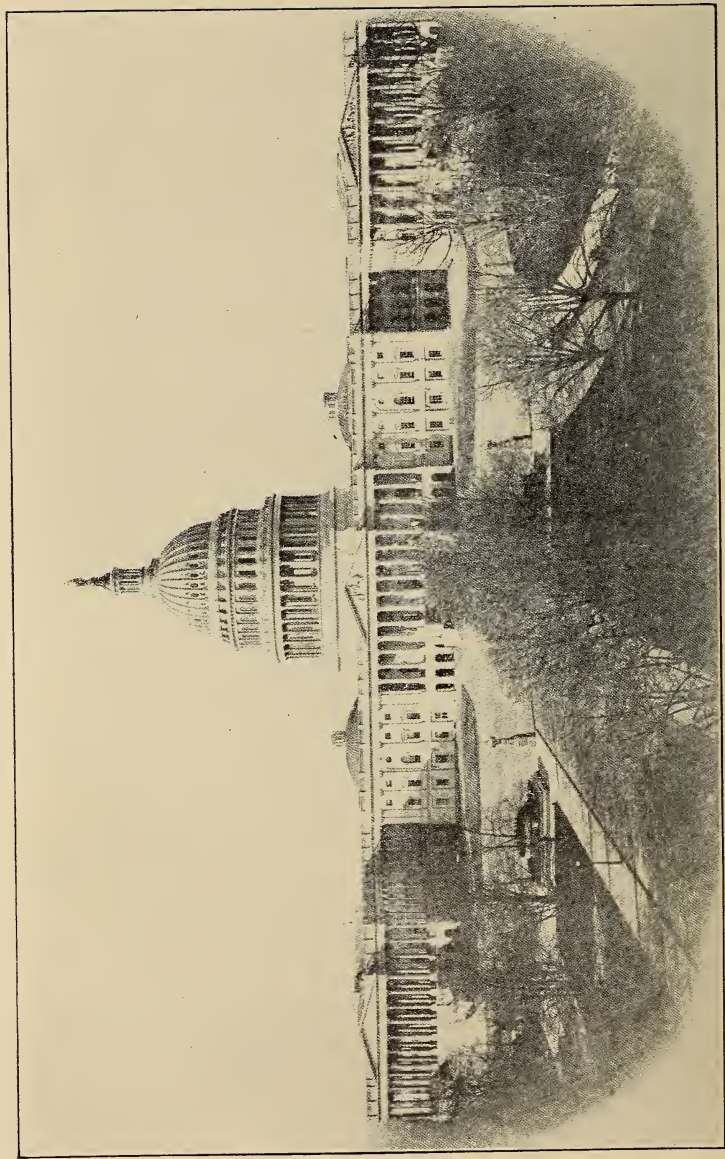


Fig. 86. THE CAPITOL AT WASHINGTON.

# PART III. UNITED STATES CIVIL GOVERNMENT

## CHAPTER XVIII

### CONGRESS

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

#### ARTICLE I

*Section 1.*—1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

#### The House of Representatives

*Section 2.*—1. The House of Representatives shall be composed of members chosen every second year by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. [Electors are voters.\*]

2. No person shall be a representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

3. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers. [The remainder of this clause is omitted because it has been changed by the 14th amendment.]

**Apportionment of Representatives.** After each census Congress must decide how many representatives there shall be and how many from each state. After the cen-

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\* The explanation and references in parentheses are not portions of the Constitution of the United States.

sus of 1900 Congress fixed the number of representatives at 386 and this was increased to 391 by the admission of Oklahoma with five representatives. After the census of 1910 Congress fixed the number (to go into effect March 4, 1913) at 435,\* as follows:

|                   |                     |
|-------------------|---------------------|
| Alabama, 10.      | Nebraska, 6.        |
| Arizona,† 1.      | Nevada, 1.          |
| Arkansas, 7.      | New Hampshire, 2.   |
| California, 11.   | New Jersey, 12.     |
| Colorado, 4.      | New Mexico,† 1.     |
| Connecticut, 5.   | New York, 43.       |
| Delaware, 1.      | North Carolina, 10. |
| Florida, 4.       | North Dakota, 3.    |
| Georgia, 12.      | Ohio, 22.           |
| Idaho, 2.         | Oklahoma, 8.        |
| Illinois, 27.     | Oregon, 3.          |
| Indiana, 13.      | Pennsylvania, 36.   |
| Iowa, 11.         | Rhode Island, 3.    |
| Kansas, 8.        | South Carolina, 7.  |
| Kentucky, 11.     | South Dakota, 3.    |
| Louisiana, 8.     | Tennessee, 10.      |
| Maine, 4.         | Texas, 18.          |
| Maryland, 6.      | Utah, 2.            |
| Massachusetts, 16 | Vermont, 2.         |
| Michigan, 13.     | Virginia, 10.       |
| Minnesota, 10.    | Washington, 5.      |
| Mississippi, 8.   | West Virginia, 6.   |
| Missouri, 16.     | Wisconsin, 11.      |
| Montana, 2.       | Wyoming, 1.         |

**Method of Apportionment.** Hereafter the method of apportioning Representatives will be as follows: After the federal census is taken the secretary of commerce and labor is required to divide the total population of the states by 430.\* The quotient gives the ratio of apportionment; that is, the number of people necessary for one representative. The population of each state is then

**7. Judgment in cases of impeachment shall not extend** divided by this ratio and the state is allowed one representative for each full ratio and one for the remainder if it equals one-half or more of the ratio. Each state must have at last one representative.

**4.** When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

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\* The bill making this apportionment is still pending in Congress (1911) and these figures may need to be revised.

† When admitted.



If a vacancy occurs in the representation of any state a special election is called by the governor. In June, 1908, Hon. W. H. Parker, one of the representatives from South Dakota, died. Governor Crawford called a special election to fill the vacancy in November, 1908, at the same time that the general election was held. Hon. Eben W. Martin was elected to fill the unexpired term, ending March 4, 1909. At the general election, held at the same time, Mr. Martin was elected to the 61st Congress, beginning March 4, 1909, and ending March 4, 1911. "A Congress" used in this sense means a two-year term, beginning March 4 of an odd numbered year. The first Congress extended from March 4, 1789, to March 4, 1791.

5. The House of Representatives shall choose their speaker and other officers, and shall have the sole power of impeachment. [See Chapter IX.]

The following persons have been impeached (accused) by the house of representatives and tried by the senate:

John Pickering, U. S. Judge, found guilty, removed from office.

Samuel Chase, U. S. Judge, acquitted.

James Peck, U. S. Judge, acquitted.

W. W. Humphreys, U. S. Judge, found guilty, removed from office.

Andrew Johnson, President, acquitted.

W. W. Belknap, Secretary of War, acquitted.

Charles Swayne, U. S. Judge, acquitted.

William Blount, a senator from Tennessee, was also impeached by the House of Representatives but the Senate refused to try him on the grounds that a senator or representative is not subject to impeachment.

## The United States Senate.

*Section 3.*—1. The Senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

In July, 1901, Hon. J. H. Kyle, one of our United States senators, died. Governor Herreid appointed Hon. A. B. Kittredge to fill the vacancy until the legislature met in 1903. At that time he was chosen by the legislature to fill the unexpired term, which ended March 4, 1903, and was also elected by the legislature for the next term beginning March 4, 1903, and ending March 4, 1909.

3. No person shall be a senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

4. The Vice-President of the United States shall be president of the Senate, but shall have no vote, unless they be equally divided.

5. The Senate shall choose their other officers and also a president *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

7. Judgment\* in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit, under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

*Section 4.*—1. The times, places and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as to the places of choosing senators.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

**Sessions of Congress.** Each Congress has two regular sessions and has special sessions if called by the President of the United States. Since regular sessions begin the first Monday of December, the last one must be a short session because it must end March 4.

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\* It is interesting to note that impeachment in England, where it originated in 1376, may be applied to any person excepting the king and any kind of punishment may be inflicted. In theory, "the king can do no wrong." His ministers are held responsible for all governmental acts.

Sessions of the 62d Congress:

Term began March 4, 1911; ends March 4, 1913.

Long session, December 2, 1911, to summer of 1912.

Short session, December 7, 1912, to March 4, 1913.

*Section 5.*—1. Each house shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each house may provide.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the journal.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

*Section 6.*—1. The senators and representatives shall receive a compensation\* for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

2. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

*Section 7.*—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons

voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

**Pocket Veto.** The process of passing a law by Congress is very similar to the methods which we studied in Chapter IX for the state. The President, however, has a veto power which the governor of South Dakota does not possess. If Congress sends a bill to the President and adjourns within ten days, so he cannot return it, he has an absolute veto. By letting it lie without action, it does not become a law. This voiding a bill which is presented to the President within the last ten days of the session by his neither signing it nor returning with his objections, is called a "pocket" or "silent" veto. In South Dakota, to veto a bill the governor must return it with his objections to the house which originated it, or, if the legislature has adjourned, to the secretary of state. Thus he cannot silently veto any bill.

### Powers of Congress.

*Section 8.*—1. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

**Direct Taxes.** According to interpretations of the Supreme Court of the United States, direct taxes include (a) poll taxes, (b) taxes on land and personal property,

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\* The salary of senators and representatives in Congress is \$7,500 a year with mileage.

and (c) taxes on incomes. All other kinds of taxes are *indirect*. Since 1861 Congress has not levied any direct taxes. The principal indirect taxes are classified as (a) duties on imported goods, and (b) internal revenue.

**Duties.** These are sometimes called customs duties and the place where they are collected is called a "customs house." A list of the duties charged on imported goods is called a *tariff*. A tariff for revenue only is one in which duties are levied on only those goods which we do not produce and must import, such as coffee. A protective tariff is one levied on goods with which we compete with other nations in producing. A tariff for revenue with incidental protection is one designed mainly for revenue, but incidentally to protect the producer in this country. All of our tariffs since 1816 have, in reality, been protective tariffs, some higher than others and some "protecting" more than others. Most of the income for the support of the federal government comes from duties.

**Tariff Commission.** In 1909 a general tariff law was passed by Congress, which may be the last one of the kind. The present plan is to have a commission of experts make a constant study and examination of conditions of production, trade and industry in this country and in other countries and recommend to Congress from time to time such changes in duties as will best promote prosperity and lessen the cost of living.

**Internal Revenue.** The United States levies taxes on the manufacture and sale of liquors, tobacco and a few other articles. The internal revenue office for collecting these taxes in the Dakotas is located in the federal building in Aberdeen.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.



**Interstate Commerce.** Goods or passengers starting in one state and going into another state constitute interstate commerce. Intrastate commerce (Lat. *inter*, between; *intra*, within) is that which is within a state and commissioners" in Index). In 1887 Congress attempted to correct some evils in interstate commerce by passing laws regulating railroads and by creating an *interstate commerce commission* to enforce the laws. Several additional laws have been passed enlarging the powers of this commission, especially in regulating railway rates. In 1910 Congress created an *interstate commerce court* to interpret and apply the law to cases that arise. There are five judges in this court.

4. To establish a uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

**Naturalization.** The process by which a foreigner, or alien, becomes a citizen is called naturalization.

**Declaration of Intentions.** The alien must declare upon oath before a United States court or a state or territorial circuit court that it is his intention in good faith to become a citizen of the United States and reside therein and to renounce forever all allegiance and fidelity to any foreign prince or state, and particularly to the one of which he may at the time be a citizen or subject. These are commonly called the "first papers."

**Citizenship Papers.** Not less than two years nor more than seven years after the first papers are issued the alien must petition for his final papers. His petition must be supported by the affidavits of two citizens of the United States, who have personally known him to be a resident of the United States at least five years and of the state one year. It must be shown to the court (1) that he has behaved as a person of good moral character, well disposed to good order and to the principles of the Constitution; (2) that he is not a disbeliever in or-

ganized government (an anarchist); (3) that he is not a believer in polygamy; and (4) that he can speak the English language. He then takes an oath in open court that he will support the Constitution of the United States and again renounces all foreign allegiance. His citizenship papers are then issued to him.

An alien soldier of the United States army may be admitted to citizenship on one year's residence. An alien who has served in the navy for five years may be admitted to citizenship without taking out his first papers. An American woman who marries a foreigner takes the nationality of her husband. When a man becomes naturalized, his wife and minor children, if living in this country, also become naturalized. The naturalization of Chinese is expressly prohibited. The people of the Philippine Islands and of Porto Rico are not citizens of the United States, though they are entitled to full protection under the Constitution.

**Citizenship and Suffrage.** The United States decides who may become citizens and the state decides who may vote. The privilege of citizenship and the privilege of voting are entirely separate. In South Dakota and in many other states aliens who have declared their intention of becoming citizens are permitted to vote (see Article VII of the Constitution).

**Bankruptcy.** If a person cannot pay his debts he may apply to a referee in bankruptcy, appointed by the United States district court, and have his property sold and the money divided among his creditors. He may then "start over" again and is not legally bound to pay any portion of the debts which are not paid by the returns from sale of his property. He is morally bound to pay any honest debts, however, if he ever becomes able to do so. If a person owes \$1,000 or more, due and payable, which he refuses or is unable to pay, he may

be compelled to have his property sold and the money divided among his creditors. This is called involuntary bankruptcy.

**Exemptions.** The United States bankruptcy law requires the observance of the laws of the different states which provide that certain property cannot be sold for debt unless the owner consents or unless there is a mortgage on the property. In South Dakota the main exemptions are as follows:

(a) The home, including not more than one hundred and sixty acres, if in the country, or one acre if in town. If worth more than \$5,000 the house is sold and \$5,000 returned to buy another home with.

(b) Personal property to the value of \$300 for an unmarried person, or \$750 if the head of a family.

(c) The family Bible, text books, heirlooms, etc.

5. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures.

**Legal Tender.** Legal tender is that money which must be accepted in payment of debts. If legal tender money is refused the debt is not discharged, but interest stops and the costs of any suit to recover the debt must be paid by the creditor. The following kinds of money are legal tender:

(a) Silver dollars; (b) gold coins; (c) United States notes ("greenbacks" issued during the Civil War and re-issued since then); (d) United States treasury notes (first issued from 1890 to 1893); (e) smaller silver coins, to the value of ten dollars; and (f) nickels and pennies, to the value of twenty-five cents. United States notes are not legal tender for the payments of duties on imports or interest on the public debt.

The following kinds of money are not legal tender, but are received everywhere at full value: (a) gold certificates, (b) silver certificates, and (c) national bank notes collected in South Dakota?

(these must be accepted by any national bank). The reason why this paper money is as good as legal tender money is because the treasurer of the United States will redeem any of it in gold.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

**Copyrights.** Books, charts, music, photographs, paintings, etc., may be copyrighted by sending copies to the copyright office, Library of Congress, Washington, D. C., with a fee of one dollar. No one may copy anything thus protected without the permission of the one who holds the copyright. A copyright privilege is valid for twenty-eight years and may be renewed for a similar period.

**Patents.** A patent secures to an inventor the exclusive right to manufacture and sell his invention for seventeen years. No one may make, even for his own use, an article that is patented without the consent of the holder of the patent.

9. To constitute tribunals inferior to the supreme court.

10. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrection and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards and other needful buildings.

**The District of Columbia.** In 1783 some drunken soldiers made an attack on Congress, then in session in Philadelphia. The city and state authorities did not provide protection for Congress, so when the new Constitution was drawn up in 1787, clause 17 was inserted so that the federal government would not need to depend upon a state for the protection of the government officials. In 1790 the District of Columbia was acquired. It comprises seventy square miles and most of the area is covered by the city of Washington.

**Government of the District.** The affairs of the district are managed by a board of three commissioners. Two commissioners are appointed by the President for three years and the third is an officer of the engineering department of the army. One-half of the money needed to support the government is appropriated by Congress; the rest is raised by local taxation. There are no elections in the district. Officeholders or employes of the government retain the right to vote in their home states.

There are many splendid government buildings in Washington, the capital of the United States. It is admitted by all that the largest and most beautiful capitol building in the world is ours (Fig. 86). It covers over three and one-half acres of ground. The largest and most magnificent library building in the world is the congressional library. This building occupies nearly four acres of ground and has fifty-six miles of shelving for books. It contains nearly 2,000,000 books and pamphlets, besides hundreds of thousands of maps, charts, pieces of music, etc. The President's home is called the "White House."



18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

**Express and Implied Powers.** The Constitution expressly states that Congress can "raise and support armies," but while it does not state that a military school may be maintained, Congress has considered it "necessary and proper" to establish one at West Point, New York. To maintain an army is an express power; to maintain a military academy is an implied power. Shortly after the Constitution went into operation, in 1789, a division of opinion arose as to what extent the federal government could exercise implied powers.

### QUESTIONS.

*PREAMBLE.* Repeat the preamble or enacting clause to the constitution. Of what does Congress consist?

*THE HOUSE OF REPRESENTATIVES.* Of whom composed? Term? Qualifications? How appointed?

*APPORTIONMENT OF REPRESENTATIVES.* Give the number of representatives; the method of apportionment. What method is to be followed in the future?

*VACANCIES.* Explain how a vacancy in the house of representatives is filled. What is the title of the presiding officer? Was President Andrew Johnson impeached?

*UNITED STATES SENATORS.* Number? How elected? Term? Classes? How are vacancies filled? What are the qualifications of a senator? Who is the presiding officer? What power has the senate in impeachment cases?

*SESSIONS OF CONGRESS.* How often does Congress meet? When? Where? What is the long session? Short session? Regular session? Special session? Explain the powers of Congress relative to judging the elections and qualifications of members, quorum, rules, journal, adjournment, compensation. Explain how a bill may become a law.

*POCKET VETO.* Explain the pocket veto.

*DIRECT TAXES.* What are direct taxes? Indirect taxes. Duties?

*TARIFF COMMISSION.* What is the plan for making tariff changes in the future?

*INTERNAL REVENUE.* What is internal revenue? Where

*INTERSTATE COMMERCE.* Define interstate commerce. Define intrastate commerce. What is the interstate commerce commission? The interstate commerce court?

*NATURALIZATION.* Explain what is meant by the first papers. Give all of the conditions necessary for a foreigner to become a citizen of the United States. Distinguish between citizenship and suffrage.

*BANKRUPTCY.* What is involuntary bankruptcy? Voluntary bankruptcy? What are the exemptions in South Dakota?

*LEGAL TENDER.* What is legal tender? Name the kinds of money that are legal tender. The kinds that are not.

*COPYRIGHTS.* What may be copyrighted? For how long? How?

*PATENTS.* What rights are secured by a patent? For how long?

*THE DISTRICT OF COLUMBIA.* Why was it provided for? How is it governed?

*EXPRESS AND IMPLIED POWERS.* Give an example of an express power; of an implied power. Name as many powers of Congress as you can.

## CHAPTER XIX

### POWERS DENIED NATION AND STATE

#### *Section 9. Powers denied to the United States:*

1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. (The words "such persons" refer to slaves.)

2. The privilege of the writ of *habeas corpus* shall not be suspended unless when, in case of rebellion or invasion, the public safety may require it.

3. No bill of attainder, or *ex-post-facto* law, shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken. [A capitation (Lat. *caput*, head) tax is a poll tax. Other purposes for taking the census are given in Chapter IX.]

5. No tax or duty shall be laid on articles exported from any state. [A tariff, as discussed in Chapter XVIII, applies only to imported goods, as no tax can be levied on exports.]

6. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office or title of any kind whatever, from any king, prince or foreign state. [Many people believe that if a citizen of the United States accepts a title from a king, prince or foreign state he forfeits his citizenship. This is not true. If he is a federal officeholder he may not accept a present, etc.]

#### *Section 10. Powers denied to the states:*

1. No state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts;

pass any bill of attainder, *ex-post-facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts laid by any state on imports or exports shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delays.

### QUESTIONS.

Until what year did Congress have no power to prohibit the importation of slaves? What is a writ of *habeas corpus*? A bill of attainder? An *ex post facto* law? On what basis must direct taxes be apportioned among the states? Can Congress tax goods shipped out of the United States? What is said concerning granting titles of nobility? Name three powers denied the states.

## CHAPTER XX

### FEDERAL EXECUTIVE DEPARTMENT

#### Article II. Executive Department

##### *Section I. President and Vice-President.*

1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President, chosen for the same term, be elected as follows:

**Nomination of Candidates.** Before we take up the plan of electing a President and Vice-President it is necessary to understand the method used by political parties to nominate their candidates.

**National Party Conventions.** Each political party holds a national convention to nominate candidates for President and Vice-President, adopt a platform, and appoint a national central committee (one committeeman from each state and territory) to take charge of the campaign. The Republican party held the convention which nominated Taft and Sherman at Chicago, June, 1908. The Democratic party held their national convention July, 1908, at Denver, and nominated Bryan and Kern.

**Delegates to National Conventions.** The rule followed by the Republican and Democratic parties is to allow each state to send to the national convention two delegates for each representative and senator sent from that state to Congress. Delegates are also sent from territories and from the District of Columbia. Thus in 1908 the Democrats of New York sent seventy-eight dele-



gates to the Denver convention, and the Republicans of the state sent the same number of Republican delegates to the Chicago convention. South Dakota sent eight delegates to each convention; the Republicans selected those who went to Chicago and the Democrats selected those who went to Denver.

**State Party Conventions.** To select the delegates from the state to the national convention each political party usually holds a state convention, though district conventions are sometimes held. The common method is as follows:

(a) The voters of a political party in each voting precinct select delegates to go to a county convention. This in former times was called a caucus or primary, but is now usually called a "primary election." Each party has its own primary election, the Democrats choosing Democratic delegates, etc. Each party has its own county convention. The number of delegates from the townships, towns and cities to the county convention depends upon the number of party voters in the townships, towns and cities. A town having only a few Republicans will send only a few delegates to the Republican county convention, and one having many Republicans will send many delegates to it. This is true of the Democratic, Socialist or any other political party.

(b) The county conventions select delegates to the state convention. The number to which each county is entitled depends upon the party vote in the county.

(c) The state convention selects delegates to the national convention. It also selects an equal number of alternates ("substitutes").

*Mode of Election.* 2. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the Congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

**Presidential Electors.** The method provided by the Constitution is to have each state choose, in any way the legislature may provide, a number of men (presidential electors), who are to choose the President and Vice-President. The idea of those who framed the Constitution was that these presidential electors would be more competent than the people to select suitable officers, and they supposed that the presidential electors would be independent in their choice. It immediately developed, however, that these presidential electors simply registered the choice of the people who selected them.

**Electoral College.** In all of the states the presidential electors are chosen at a general election. In 1908 the voters of New York elected thirty-nine presidential electors (New York has two senators and thirty-seven representatives). In the same election South Dakota chose four (the state having two senators and two representatives in Congress). The group of presidential electors chosen by the state is called the "electoral college." By referring to the list showing the number of representatives from each state, ascertain the number in the electoral college of each state.

*Amendment XII.* The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the president of the Senate. The president of the Senate shall, in presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately,

by ballot, the President. But in choosing the President the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such a number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. [This amendment, adopted in 1804, takes the place of clause 3.]

3. The Congress may determine the time of choosing the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.

### Election Dates

(a) On the first Tuesday after the first Monday in November in 1904, 1908, etc., the voters of the states elect presidential electors.

(b) On the second Monday in January the presidential electors of a state meet at the state capitol and cast their ballots for President and Vice-President. Three sets of ballots are made, one is sent by mail to the president of the Senate, Washington, D. C., another set is sent by a messenger, and the third set is deposited with the nearest United States district judge.

(c) On the second Wednesday of February the Senate and the House of Representatives meet in the hall of representatives. The president of the senate opens the ballots in the presence of both houses, and tellers appointed by the houses read the ballots and count them. In case no one receives a majority (over one-half) of the electoral votes for President or Vice-President the House of

Representatives and Senate decide the matter as described in the Constitution.

(d) On the fourth of March the men elected take the oath of office and assume their official duties.

*Qualifications of President.* 4. No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

5. In case of the removal of the President from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

**Vacancies.** Congress has provided that the cabinet officers shall succeed to the Presidency in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. None of these can succeed to the Presidency unless his appointment as a cabinet officer has been confirmed by the Senate and he has all of the necessary qualifications given in clause 4. The initial letters of these officers in order spell St. Wapni. This may help the memory.

*Salary.* 7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them. [At present it is \$75,000 a year.]

*Oath.* 8. Before he enter on the execution of his office he shall take the following oath of affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect and defend the Constitution of the United States."

## Powers of the President

*Section 2.*—1. The President shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

**Pardoning Power.** A reprieve is a temporary suspension of a punishment; a pardon is a complete release. The President's pardoning power does not extend to decisions of state courts (see Chapter X).

*Treaties.* 2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

**Foreign Relations.** Affairs between nations are usually conducted by ambassadors or ministers which each country sends to the other countries to represent it. The United States sends ambassadors to Great Britain, France, Germany, Russia, Italy, Austria-Hungary, Mexico, Japan, Brazil and Turkey, and sends ministers to other countries. The only difference between ambassadors and ministers is in rank and salary. *Consuls* are sent to foreign cities to look after commercial interests. They report to us any inventions, changes in laws, or other conditions which may affect our commerce. Lists of all goods sent from foreign ports to the United States are given to the consul as a means of keeping account of foreign commerce and duties on imports.



**Treaties.** When this country wants to make a treaty with a foreign nation our Secretary of State proposes one to the ambassador or minister from that country. The foreign minister at Washington communicates with his secretary of state, and if a treaty is made it is signed by our Secretary of State and the foreign minister and then sent to the Senate for approval. The Secretary of State keeps in close communication with the President throughout the proceedings.

A treaty is usually named from the persons who negotiated it, the one who proposed it being given first and this indicates where the treaty was made. Thus the famous treaty of 1842 between the United States and Great Britain which settled our dispute as to the north-eastern boundary and provided for stopping the slave trade and for extraditing criminals, is called the Webster-Ashburton treaty. From this we know that Webster was our Secretary of State, Ashburton was Great Britain's minister to the United States, and the negotiations for the treaty were carried on in Washington.

Sometimes special commissions are appointed to negotiate treaties. This is usually done for treaties of peace, and the negotiation is carried on in some neutral city. The treaty is then usually named from the city where it was negotiated. Any history of the United States names several such treaties, the most important of them being the treaty of Paris of 1783, which concluded peace between the United States and Great Britain. The second peace treaty with Great Britain was the treaty of Ghent, 1814.

**Federal Positions.** Positions under the United States, excepting President and Vice-President, are filled in one of four ways:

(a) Appointment by the President subject to the con-

firmation of the Senate. United States judges, marshals, cabinet officers, ambassadors, etc., come in this class.

(b) Appointment by President alone. The President appoints his own private secretary and the clerks of his office.

(c) Appointment by heads of departments. The postmaster-general appoints all postmasters whose salaries are less than \$1,000.

(d) The civil service. "To regulate and improve the civil service of the United States," Congress has provided for a commission of three men, not more than two of whom may be from the same political party, to have charge of the appointment of many clerks, teachers in Indian schools, skilled workmen, mechanics, etc. On June 30, 1909, there were 367,794 persons holding positions in the civil service, most of whom received their appointments through competitive examinations. At least twice a year examinations are held in each state and territory.

*Messages, Special Sessions. Section 3.* He shall from time to time give to the Congress information of the state of the Union and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

*Impeachment. Section 4.* The President, Vice-President and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

## The President's Cabinet

**Nine Departments.** The work of the executive department of the United States has been subdivided, each division being called a "department." The heads of these departments constitute the President's cabinet.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

This year of 1910 is drawing to a close. The records of population and harvests which are the index of progress show vigorous national growth and the health and prosperous well-being of our communities throughout this land and in our possessions beyond the seas. These blessings have not descended upon us in restricted measure, but overflow and abound. They are the blessings and bounty of God.

We continue to be at peace with the rest of the world. In all essential matters our relations with other peoples are harmonious, with an ever-growing reality of friendliness and depth of recognition of mutual dependence. It is especially to be noted that during the past year great progress has been achieved in the cause of arbitration and the peaceful settlement of international disputes.

Now, therefore, I, William Howard Taft, President of the United States of America, in accordance with the wise custom of the civil magistrate since the first settlements in this land and with the rule established from the foundation of this Government, do appoint Thursday, November 24, 1910, as a day of National Thanksgiving and Prayer, enjoining the people upon that day to meet in their churches for the praise of Almighty God and to return heartfelt thanks to Him for all His goodness and loving-kindness.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this fifth day of  
November, in the year of our Lord one thousand nine  
hundred and ten and of the independence of the  
United States the one hundred and thirty-fifth.

By the President:

*Alvey A. Adee*  
Acting Secretary of State.

*Wm. H. Taft*

Fig. 87. A Presidential Proclamation.

From "Government and Politics in the United States," by William B. Guiteau. Houghton, Mifflin Company.

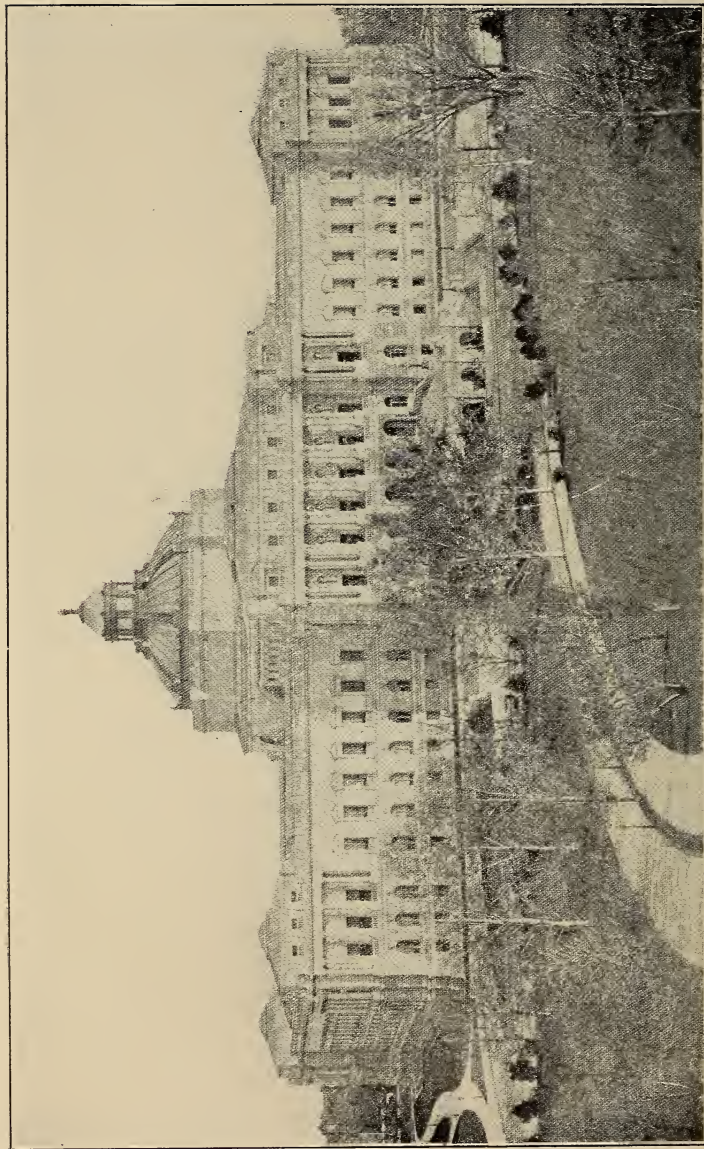


Fig. 88. THE LIBRARY OF CONGRESS.

**Department of State.** This was the first cabinet office created by Congress, being called for a time the "department of foreign affairs." Though the name was changed, the chief duty of the Secretary of State is in connection with foreign affairs.

The Secretary of State is charged, under the direction of the President, with the duties appertaining to correspondence with the public ministers and the consuls of the United States and with the representatives of foreign powers accredited to the United States; and to negotiations of whatever character relating to the foreign affairs of the United States. He is also the medium of correspondence between the President and the chief executives of the several states of the United States; he has the custody of the great seal of the United States, and countersigns and affixes the seal to all executive proclamations, to various commissions and to warrants for the extradition of fugitives from justice. He is regarded as the first in rank among the members of the cabinet. He is also the custodian of the treaties made with foreign countries, and of the laws of the United States. He grants and issues passports and exequaturs (see Glossary) to foreign consuls in the United States are issued through his office. He publishes the laws and resolutions of Congress, amendments to the Constitution and proclamations declaring the admission of new states into the Union.\*

The principal bureaus of this department are the diplomatic bureau, consular bureau, bureau of appointments (has custody of the great seal), bureau of citizenship (issues passports), bureau of indexes and archives, bureau of rolls and library (has custody of treaties and laws).

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\* The statements of official duties are quoted, with slight changes, from the Congressional Directory for December, 191



**Department of the Treasury.** The head of this department is called Secretary of the Treasury.

The Secretary of the Treasury is charged by law with the management of the national finances. He prepares plans for the improvement of the revenue and for the support of the public credit; superintends the collection of the revenue and directs the forms of keeping and rendering public accounts and of making returns; grants warrants for all moneys drawn from the treasury in pursuance of appropriations made by law and for the payment of moneys into the treasury; and annually submits to Congress estimates of the probable revenues and disbursements of the government. He also controls the construction of public buildings; the coinage and printing of money; the administration of the life-saving, revenue-cutter and the public health and marine hospital branches of the public service and furnishes generally such information as may be required by either branch of Congress on all matters pertaining to the foregoing.

The principal officers of this department are assistant secretaries, six auditors (who audit and settle all accounts with the other cabinet departments), the supervising architect, the comptroller of the treasury of the United States (having general charge over the public moneys that may be deposited in the treasury at Washington and in the subtreasuries at Boston, New York, Philadelphia, Baltimore, Cincinnati, Chicago, St. Louis, New Orleans and San Francisco, and in the national bank United States depositories), register of the treasury (look for the names of the last two officers on paper money), comptroller of the currency (having supervision of national banks), director of the mint, commissioner of internal revenue and superintendent of the life-saving service.

**Department of War.** The duties of the Secretary of War are as follows:

The Secretary of War is head of the war department and performs such duties as are required of him by law or may be required of him by the President concerning the military service.

He is charged by law with the supervision of all estimates of appropriations for the expenses of the department, including the military establishment; of all purchases of army supplies; of all expenditures for the support, transportation and maintenance of the army and of such expenditures of a civil nature as may be placed by Congress under his direction.

He also has supervision of the United States military academy at West Point and of military education in the army, of the board of ordnance and fortification, of the various battlefield commissions, and of the publication of the official records of the war of the rebellion.

He has charge of all matters relating to national defense and seacoast fortifications, army ordnance, river and harbor improvements, the prevention of obstructions to navigation and the establishment of harbor lines; and all plans and locations of bridges authorized by Congress to be constructed over the navigable waters of the United States require his approval.

**Department of Justice.** The Attorney-General is the head of the department of justice and the chief law officer of the government. He represents the United States in matters involving legal questions; he gives his advice and opinion, when they are required by the President or by the heads of the other executive departments, on questions of law arising in the administration of their respective departments; he appears in the Supreme Court of the United States in cases of especial gravity and importance; he exercises a general superintendence and di-

rection over United States attorneys and marshals in all federal judicial districts in the states and territories, and he provides special counsel for the United States whenever required by any department of the government.

**Postoffice Department.** The Postmaster-General is the executive head of the federal postal service. He appoints all officers and employes of the postoffice department except the four assistant postmasters-general and the purchasing agent, who are presidential appointees. With the exception of postmasters of the first, second and third classes, who are likewise presidential appointees, he appoints all postmasters and all other officers and employes of the service at large. Subject to the approval of the President, he makes postal treaties with foreign governments. He awards and executes contracts and directs the management of the foreign mail service. He is chairman of the board of trustees of the postal savings system.

There are four assistant postmasters-general. The first has charge of the divisions of postmasters' appointments, salaries and allowances and city delivery. The second has supervision over railway adjustments, foreign mails, railway mail service, inspection and equipment. The third has charge of finance, stamps, money orders, registered mail and classification of mail matter. The fourth directs the work of the rural mails, supplies and "dead letters."

**Department of the Navy.** The Secretary of the Navy performs such duties as the President of the United States, who is commander-in-chief, may assign him, and has the general superintendence of construction, manning, armament, equipment and employment of vessels of war.

**Department of the Interior.** The Secretary of the In-

terior is charged with the supervision of public business relating to patents for inventions, pensions and bounty lands, the public lands and bureau of mines, national parks, and the supervision of certain hospitals and institutions in the District of Columbia. He also exercises certain powers and duties in relation to the territories of the United States. The commissioner of education collects statistics pertaining to education, has general charge of the education of the native children in Alaska and administers the endowment fund for the support of agricultural colleges.

**Department of Agriculture.** The secretary exercises personal supervision of public business relating to the agricultural industry. He appoints all the officers and employes of the department with the exception of the assistant secretary and the chief of the weather bureau, who are appointed by the President, and directs the management of all the bureaus, divisions, offices and the forest service embraced in the department. He exercises advisory supervision over agricultural experiment stations, which receive aid from the national treasury; has control of the quarantine stations for imported cattle, of interstate quarantine rendered necessary by sheep and cattle diseases, and of the inspection of cattle-carrying vessels, and directs the enforcement of the meat inspection and food and drug laws under which the inspection of domestic and imported food products is carried on. He is charged with the duty of issuing rules and regulations for the protection, maintenance and care of the national forest reserves. He also is charged with carrying into effect the laws prohibiting the transportation by interstate commerce of game killed in violation of local laws and excluding from importation certain noxious animals, and has authority to control the importation of other animals.

**Department of Commerce and Labor.** The Secretary of Commerce and Labor is charged with the work of promoting the commerce of the United States, and its mining, manufacturing, shipping, fishery, transportation and labor interests. His duties also comprise the investigation of the organization and management of corporations (excepting railroads) engaged in interstate commerce; the gathering and publication of information regarding labor interests and labor controversies in this and other countries; the administration of the lighthouse service, and the aid and protection to shipping thereby; the taking of the census, and the collection and publication of statistical information connected therewith; the making of coast and geodetic surveys; the collecting of statistics relating to foreign and domestic commerce; the inspection of steamboats and the enforcement of laws relating thereto for the protection of life and property; the supervision of the fisheries as administered by the federal government; the supervision and control of the Alaskan fur, seal, salmon and other fisheries; the jurisdiction over merchant vessels, their registry, licensing, measurement, entry, clearance, transfers, movement of their cargoes and passengers, and laws relating thereto, and to seamen of the United States; the regulation of the enforcement and execution of the act of Congress relating to the equipment of ocean steamers with apparatus and operators for wireless communication; the supervision of the immigration of aliens, and the enforcement of the laws relating thereto, and to the exclusion of Chinese; the custody, construction, maintenance and application of standards of weights and measurements; the gathering and supplying of information regarding industries and markets for the fostering of manufacturing.



## QUESTIONS.

*PRESIDENT AND VICE PRESIDENT.* What is the term of these officers?

*NATIONAL PARTY CONVENTIONS.* What does a national party convention do?

*DELEGATES TO NATIONAL CONVENTIONS.* How many delegates from each state?

*STATE PARTY CONVENTIONS.* What is a primary election? Explain the process by which delegates are selected from each state.

*MODE OF ELECTION.* What are presidential electors? How many elected in each state? What is the electoral college? Explain the method of electing a President.

*QUALIFICATION OF PRESIDENT.* Name the qualifications of President.

*VACANCIES.* Explain how vacancies in the presidency are filled. What is said of salary and oath of office?

*COMMANDER IN CHIEF.* What military power has the President?

*PARDONING POWER.* What is a reprieve? A pardon? To what offenses is the President's pardoning power limited?

*FOREIGN RELATIONS.* What are ambassadors? Ministers? Consuls?

*TREATIES.* How are treaties proposed? Where made? By whom? How named? By whom approved?

*FEDERAL POSITIONS.* Name the four methods of filling federal positions. What is said concerning messages, special sessions of congress, and impeachment? Name the nine departments into which the executive work is divided. Give the principal duties of each.

## CHAPTER XXI

### THE FEDERAL JUDICIARY

#### Article III. Judicial Department

##### *Section 1. United States Courts*

The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

##### *Section 2. Jurisdiction of the United States Courts.*

1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof and foreign states, citizens or subjects.

**Chisholm vs. Georgia.** This was a famous case which occurred soon after the Constitution went into effect. A man named Chisholm, of North Carolina, sued the state of Georgia in a United States court. The case was appealed to the supreme court in 1793, it being claimed that the Constitution did not give the federal courts power to try cases in which a state was sued by a citizen of another state. John Jay was then chief justice of the supreme court and the decision was that Mr. Chisholm could bring an action in a federal court. To pre-

vent any more cases of this kind the eleventh amendment to the Constitution was adopted in 1798.

*Amendment XI.* The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

**Supreme Court.** There are nine judges in this court. Five must unite in a decision. The jurisdiction of this court is given in the Constitution as follows:

2. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

**Circuit Court of Appeals.** To relieve the supreme court of many petty cases appealed to it from lower United States courts, in 1891 Congress created this court to try them. Thus a case involving the patent laws may be appealed from a lower United States court to the circuit court of appeals instead of to the supreme court. This court consists of three judges, two of whom are a quorum. The judges may be supreme court justices, or circuit court judges, or, in absence of these, district court judges. Circuit courts of appeal are held in various parts of the United States, from Boston to San Francisco.

**Circuit Courts.** The United States is divided into nine circuits and each of the supreme court justices is supposed to exercise some supervision over a circuit. South Dakota is in the eighth circuit, which embraces Minnesota, Iowa, Missouri, Arkansas, Nebraska, Colorado, Kansas, Oklahoma, Utah, Wyoming, and New Mexico, besides both Dakotas. There are four circuit judges in this circuit.

The *original* jurisdiction of the United States circuit court is as follows:

a. Civil actions involving more than \$2,000; e. g., in 1903 the state of South Dakota sued the state of North Carolina for the recovery of a debt amounting to about \$29,000.

b. Cases involving patents, copyrights, etc.; e. g., if a person makes an ironing board like one that is patented he is liable to prosecution in this court unless he has permission to do so from the one who holds the patent.

c. Capital crimes; e. g., a murder on an Indian reservation.

*NOTE.* The judges of the circuit court are so busy acting as a circuit court of appeals that they do not usually have time to conduct circuit court trials. United States district judges, therefore, have to try their cases for them.

The United States circuit court has no appellate jurisdiction; that is, no cases may be appealed to it. Cases tried in the circuit court may be appealed to the circuit court of appeals or to the United States supreme court.

**United States District Court.** The United States is divided into districts and each district has a United States judge, United States attorney, United States marshal, and other officers of the court. South Dakota is one such district, the United States district court being held at Aberdeen, Pierre, Sioux Falls, and Deadwood. North Dakota is one district, Minnesota is divided into two districts, Iowa into two, Nebraska is one district, etc.

All federal cases not named as being tried in the United States circuit court may be tried in the district court, and owing to the lack of time of circuit judges, circuit court cases are usually tried before district judges also. The cases before the district court of South Dakota are usually those involving crimes committed on Indian reservations, and violations of the United States revenue laws, postal laws, bankruptcies, etc.

The district court, like the circuit court, has no appellate jurisdiction. A case may be appealed from the district court to the circuit court of appeals or to the supreme court of the United States.

All United States judges are appointed by the President for life.

**Court Commissioners** are appointed by the district judge at convenient places and have power to examine into accusations and decide whether a person who is accused of violating a United States law shall be held for trial by the United States' district court.

**Special Federal Courts.** The *court of claims* consists of five judges and has power to try cases involving claims against the United States, not including pensions and a few other kinds. The *court of commerce* consists of five judges and tries cases involving interstate commerce. The courts of the District of Columbia and of territories are also special federal courts having jurisdiction within the District or territories.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state the trial shall be at such place or places as the Congress may by law have directed.

*Section 3. Treason.*—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

2. The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attained.

In 1781 the following amendments to the constitution were adopted. All of the provisions apply to United States courts but *do not apply to state courts*:

*Amendment V.* No person shall be held to answer for a capital or other infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger;



nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

*Amendment VI.* In all criminal prosecutions the accused shall enjoy the rights to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

*Amendment VII.* In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise reexamined in any court of the United States than according to the rules of the common law.

*Amendment VIII.* Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

### QUESTIONS.

*UNITED STATES COURTS.* In what are the judicial powers of the United States vested? For how long do the judges serve?

*JURISDICTION.* Name the ten kinds of cases named in the constitution which may be tried in United States courts.

*CHRISHOLM VS. GEORGIA.* Give an account of this case. What amendment was adopted to prevent other individuals from suing states in United States courts?

*SUPREME COURT.* How many judges? What is the jurisdiction of this court?

*CIRCUIT COURT OF APPEALS.* How many judges in this court? What judges may act in this court? What kinds of cases are tried in this court?

*CIRCUIT COURTS.* How many circuits in the United States? In which circuit is South Dakota? What is the jurisdiction of this court? Can a case be appealed to a United States circuit court?

*UNITED STATES DISTRICT COURT.* What are the officers of this court? At what cities in South Dakota does this court hold sessions? What cases are usually tried in this court?

*COURT COMMISSIONER.* What power has this officer?

*SPECIAL FEDERAL COURTS.* What cases are tried in the court of commerce? What is said as to jury trials? As to the place of trial?

*TREASON.* Define treason. How may a person be convicted of treason? Name the provisions of articles five, six, seven, and eight of the Constitution of the United States.

## CHAPTER XXII

### FINAL PROVISIONS OF CONSTITUTION

#### Article IV. The States and the Federal Government.

*Section 1. State Records.*—Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*Section 2. Privileges of Citizens, etc.*—1. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime. [See Extradition in the Index.]

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due. [This clause has been canceled by the thirteenth amendment, which abolished slavery.]

*Section 3. New States and Territories.*—1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

*Section 4. Republican Form—Protection.* The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

### Article V. To Amend the Constitution.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

### Article VI. Debts Validated—Constitution Supreme.

1. All debts contracted and engagements entered into, before the adoption of this constitution, shall be as valid against the United States under this constitution as under the Confederation.

2. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

3. The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

### Article VII. Ratification.

The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

### Amendments to the Constitution

The first ten amendments constitute a bill of rights.

I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

II. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

III. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

V-VIII have been given in Chapter XXI.

IX. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

X. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

XI was given in Chapter XXI.

XII was given in Chapter XX.

The next three articles are called the slavery amendments, XIII giving the slave freedom, XIV giving him citizenship, and XV giving him the right to vote.

XIII. 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

2. Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress Feb. 1, 1865, and declared in force Dec. 18, 1865.]

XIV. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear

to the whole number of male citizens twenty-one years of age in such state.

3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States or under any state, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [Proposed by Congress June 16, 1866, and declared in force July 28, 1868.]

XV. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.

2. The Congress shall have power to enforce this article by appropriate legislation. [Proposed by Congress Feb. 26, 1869, and declared in force March 30, 1870.]

## QUESTIONS.

*STATE RECORDS.* How must legal transactions in one state be treated in another state?

*PRIVILEGES OF CITIZENS.* Explain how a fugitive from justice is returned to the place where he committed the crime.

*NEW STATES AND TERRITORIES.* Who has authority to admit states into the Union? Who has power to regulate the territory and other property of the United States?  
to ratify the constitution

*REPUBLICAN FORM—PROTECTION.* What guaranty must the United States afford to every state? In case of invasion, what is the duty of the United States? In case of domestic violence, when may the United States restore order? (Note: The United States may quell domestic violence when necessary to enforce United States laws, even though the governor or legislature does not request it.)

*TO AMEND THE CONSTITUTION.* What are the two methods by which amendments may be proposed? What are the two methods by which an amendment may be ratified?

*DEBTS VALIDATED—CONSTITUTION SUPREME.* What is said as to the payment of debts contracted before the adoption of the



constitution? What is the supreme law of the land? What must be included in the oaths taken by all federal and state officers? What tests cannot be required of a federal officer?

*RATIFICATION.* How many of the thirteen states were required to ratify the constitution before it went into effect?

*AMENDMENTS.* What are the first ten amendments called? What are the principal provisions of the first ten amendments? Repeat the thirteenth amendment. Who are citizens of the United States? Repeat the fifteenth amendment.



## APPENDIX

### REFERENCES.

Following is a selected list of references to the geology, geography, history and government of South Dakota. Most of the publications of the United States Geological Survey may be purchased from the Department of Documents, Washington, D. C.

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*SOUTH DAKOTA GEOLOGICAL SURVEY.*—

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# CONSTITUTION OF SOUTH DAKOTA

[Adopted by popular vote October 1, 1889.]

## PREAMBLE.

We, the people of South Dakota, grateful to Almighty God for our civil and religious liberties, in order to form a more perfect and independent government, establish justice, insure tranquillity, provide for the common defense, promote the general welfare and preserve to ourselves and to our posterity the blessings of liberty, do ordain and establish this constitution for the State of South Dakota.

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## ARTICLE I.

### NAME AND BOUNDARY.

Sec. 1. The name of the State shall be South Dakota.

Sec. 2. The boundaries of South Dakota shall be as follows: Beginning at the point of intersection of the western boundary line of the State of Minnesota with the northern boundary line of the State of Iowa, and running thence northerly along the western boundary line of the State of Minnesota to its intersection with the 7th standard parallel; thence west on the line of the 7th standard parallel produced due west to its intersection with the 27th meridian of longitude west from Washington; thence south on the 27th meridian of longitude west from Washington to its intersection with the northern boundary line of the State of Nebraska; thence easterly along the northern boundary line of the State of Nebraska to its intersection with the western boundary line of the State of Iowa; thence northerly along the western boundary line of the State of Iowa to its intersection with the northern boundary line of the State of Iowa; thence east along the northern boundary line of the State of Iowa to the place of beginning.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

The powers of government of the state are divided into three distinct departments—the legislative, executive, and judicial; and the powers and duties of each are prescribed by this constitution.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

Sec. 1. The legislative power shall be vested in a legislature, which shall consist of a senate and house of representatives, except that the people expressly reserve to themselves the right to propose



measures, which measures the legislature shall enact and submit to a vote of the electors of the state, and also the right to require that any laws which the legislature may have enacted shall be submitted to a vote of the electors of the state before going into effect (except such laws as may be necessary for the immediate preservation of the public peace, health, or safety, support of the state government and its existing public institutions).

*Provided*, That not more than five per centum of the qualified electors of the state shall be required to invoke either the initiative or the referendum.

This section shall not be construed so as to deprive the legislature or any member thereof of the right to propose any measure. The veto power of the executive shall not be exercised as to measures referred to a vote of the people. This section shall apply to municipalities. The enacting clause of all laws approved by a vote of the electors of the state shall be, "Be it enacted by the people of South Dakota." The legislature shall make suitable provisions for carrying into effect the provisions of this section.

Sec. 2. The number of members of the house of representatives shall not be less than seventy-five, nor more than one hundred and thirty-five. The number of members of the senate shall not be less than twenty-five, nor more than forty-five.

The sessions of the legislature shall be biennial, except as otherwise provided in this constitution.

Sec. 3. No person shall be eligible to the office of senator who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have attained the age of twenty-five years, and who shall not have been a resident of the state or territory for two years next preceding his election.

No person shall be eligible to the office of representative who is not a qualified elector in the district from which he may be chosen, and a citizen of the United States, and who shall not have been a resident of the state or Territory for two years next preceding his election, and who shall not have attained the age of twenty-five years.

No judge or clerk of any court, secretary of state, attorney general, state's attorney, recorder, sheriff or collector of public moneys, member of either house of congress, or person holding any lucrative office under the United States or this state, or any foreign government, shall be a member of the legislature; *Provided*, that appointments in the militia, the offices of notary public and justice of the peace shall not be considered lucrative; nor shall any person holding any office of honor or profit under any foreign government, or under the government of the United States, except postmasters whose annual compensation does not exceed the sum of three hundred dollars, hold any office in either branch of the legislature or become a member thereof.

Sec. 4. No person who has been, or hereafter shall be, convicted of bribery, perjury or other infamous crime, nor any person who has been, or may be collector or holder of public moneys who shall not have accounted for and paid over, according to law, all such moneys due from him, shall be eligible to the legislature or to any office in either branch thereof.

Sec. 5. The legislature shall provide by law for the enumeration

of the inhabitants of the state in the year one thousand eight hundred and ninety-five and every ten years thereafter, and at its first regular session after each enumeration and also after each enumeration made by authority of the United States, but at no other time, the legislature shall apportion the senators and representatives according to the number of inhabitants, excluding Indians not taxed, and soldiers and officers of the United States army and navy; *Provided*, that the legislature may make an apportionment at its first session after the admission of South Dakota as a state.

Sec. 6. The terms of the office of the members of the legislature shall be two years; they shall receive for their services the sum of five dollars for each day's attendance during the session of the legislature, and ten cents for every mile of necessary travel in going to and returning from the place of meeting of the legislature on the most usual route.

Each regular session of the legislature shall not exceed sixty days, except in case of impeachment, and members of the legislature shall receive no other pay or perquisites except per diem and mileage.

Sec. 7. The legislature shall meet at the seat of government on the first Tuesday after the first Monday of January at 12 o'clock P. M., in the year next ensuing the election of members thereof, and at no other time except as provided by this constitution.

Sec. 8. Members of the legislature and officers thereof, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of South Dakota, and will faithfully discharge the duties of (senator, representative or officer) according to the best of my abilities, and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill said office, and have not accepted nor will I accept or receive, directly or indirectly, any money, pass, or any other valuable thing, from any corporation, company, or person for any vote or influence I may give or withhold on any bill or resolution, or appropriation, or for any other official act."

This oath shall be administered by a judge of the supreme or circuit court, or the presiding officer of either house in the hall of the house to which the member or officer is elected, and the secretary of state shall record and file the oath subscribed by each member and officer. Any member or officer of the legislature who shall refuse to take the oath herein prescribed shall forfeit his office. Any member or officer of the legislature who shall be convicted of having sworn falsely to, or violated his said oath, shall forfeit his office and be disqualified thereafter from holding the office of senator or member of the house of representatives or any office within the gift of the legislature.

Sec. 9. Each house shall be the judge of the election returns and qualifications of its own members.

A majority of the members of each house shall constitute a quorum, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalty as each house may provide.

Each house shall determine the rules of its proceedings, shall choose its own officers and employes and fix the pay thereof, except as otherwise provided in this constitution.

Sec. 10. The governor shall issue writs of election to fill such vacancies as may occur in either house of the legislature.

Sec. 11. Senators and representatives shall in all cases, except treason, felony, or breach of peace, be privileged from arrest during the session of the legislature, and in going to and returning from the same; and for words used in any speech or debate in either house they shall not be questioned in any other place.

Sec. 12. No member of the legislature shall, during the term for which he was elected, be appointed or elected to any civil office in the state which shall have been created or the emoluments of which shall have been increased during the term for which he was elected, nor shall any member receive any civil appointment from the governor, the governor and senate, or from the legislature during the term for which he shall have been elected, and all such appointments and all votes given for any such members for any such office or appointment shall be void; nor shall any member of the legislature during the term for which he shall have been elected, or within one year thereafter, be interested, directly or indirectly, in any contract with the state or any county thereof, authorized by any law passed during the term for which he shall have been elected.

Sec. 13. Each house shall keep a journal of its proceedings and publish the same from time to time, except such parts as require secrecy, and the yeas and nays of members on any question shall be taken at the desire of one-sixth of those present and entered upon the journal.

Sec. 14. In all elections to be made by the legislature the members thereof shall vote *viva voce* and their votes shall be entered in the journal.

Sec. 15. The sessions of each house and of the committee of the whole shall be open, unless when the business is such as ought to be kept secret.

Sec. 16. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

Sec. 17. Every bill shall be read three several times, but the first and second readings may be on the same day, and the second reading may be by title of the bill, unless the reading at length be demanded. The first and third readings shall be at length.

Sec. 18. The enacting clause of a law shall be: "Be it enacted by the legislature of the state of South Dakota," and no law shall be passed unless by assent of a majority of all the members elected to each house of the legislature. And the question upon the final passage shall be taken upon its last reading, and the yeas and nays shall be entered upon the journal.

Sec. 19. The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the legislature, after their titles have been publicly read immediately before signing, and the fact of signing shall be entered upon the journal.

Sec. 20. Any bill may originate in either house of the legislature, and a bill passed by one house may be amended in the other.

Sec. 21. No law shall embrace more than one subject, which shall be expressed in its title.

Sec. 22. No act shall take effect until ninety days after the adjournment of the session at which it passed, unless in case of emergency (to be expressed in the preamble or body of the act) the legislature shall, by vote of two-thirds of all the members elected to each house, otherwise direct.

Sec. 23. The legislature is prohibited from enacting any private or special laws in the following cases:

1. Granting divorces.
2. Changing the name of persons or places, or constituting one person the heir at law of another.
3. Locating or changing county seats.
4. Regulating county and township affairs.
5. Incorporating cities, towns, and villages; or changing or amending the charter of any town, city, or village; or laying out, opening, vacating, or altering town plats, streets, wards, alleys, and public ground.
6. Providing for sale or mortgage of real estate belonging to minors or others under disability.
7. Authorizing persons to keep ferries across streams wholly within the state.
8. Remitting fines, penalties, or forfeitures.
9. Granting to an individual, association, or corporation any special or exclusive privilege, immunity, or franchise whatever.
10. Providing for the management of common schools.
11. Creating, increasing, or decreasing fees, percentages, or allowances of public officers during the term for which said officers are elected or appointed.

But the legislature may repeal any existing special law relating to the foregoing subdivisions.

In all other cases where a general law can be applicable, no special law shall be enacted.

Sec. 24. The legislature shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to this state or to any municipal corporation therein.

Sec. 25. The legislature shall not authorize any game of chance, lottery, or gift enterprise, under any pretense or for any purpose whatever.

Sec. 26. The legislature shall not delegate to any special commission, private corporation, or association any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, whether held in trust or otherwise, or levy taxes, or to select a capital site, or to perform any municipal functions whatever.

Sec. 27. The legislature shall direct by law in what manner and in what courts suits may be brought against the state.

Sec. 28. Any person who shall give, demand, offer directly or indirectly, any money, testimonial, privilege, or personal advantage, thing of value to any executive or judicial officer or member of the



legislature, to influence him in the performance of any of his official or public duties, shall be guilty of bribery and shall be punished in such manner as shall be provided by law.

The offense of corrupt solicitation of members of the legislature or of public officers of the state, or any municipal division thereof, and any effort toward solicitation of said members of the legislature or officers to influence their official action shall be defined by law, and shall be punishable by fine and imprisonment.

Any person may be compelled to testify in investigation or judicial proceedings against any person charged with having committed any offense of bribery or corrupt solicitation, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, but said testimony shall not afterwards be used against him in any judicial proceedings except for bribery in giving such testimony, and any person convicted of either of the offenses aforesaid shall be disqualified from holding any office or position or office of trust or profit in this state.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

Sec. 1. The executive power shall be vested in a governor, who shall hold his office for two years. A lieutenant governor shall be elected at the same time and for the same term.

Sec. 2. No person shall be eligible to the office of governor or lieutenant governor except a citizen of the United States and a qualified elector of the state; who shall have attained the age of thirty years, and who shall have resided two years next preceding the election within the state or territory, nor shall he be eligible to any other office during the term for which he shall have been elected.

Sec. 3. The governor and lieutenant governor shall be elected by the qualified electors of the state at the time and places of choosing members of the legislature. The persons respectively having the highest number of votes for governor and lieutenant governor shall be elected; but if two or more shall have an equal and highest number of votes for governor or lieutenant governor, the two houses of the legislature, at its next regular session, shall forthwith by joint ballot choose one of such persons for said office. The returns of the election for governor and lieutenant governor shall be made in such manner as shall be prescribed by law.

Sec. 4. The governor shall be commander-in-chief of the military and naval forces of the state, except when they shall be called into the service of the United States, and may call out the same to execute laws, suppress insurrection and repel invasion. He shall have power to convene the legislature on extraordinary occasions. He shall, at the commencement of each session, communicate to the legislature by message information of the condition of the state, and shall recommend such measures as he shall deem expedient. He shall transact all necessary business with the officers of the government, civil and military. He shall expedite all such measures as may be resolved upon by the legislature, and shall take care that the laws be faithfully executed.

Sec. 5. The governor shall have power to remit fines and for-



feitures, to grant reprieves, commutations and pardons after conviction, for all offenses except treason and cases of impeachment; *Provided*, that in all cases where the sentence of the court is capital punishment, imprisonment for life, or for a longer term than two years, or a fine exceeding two hundred dollars, no pardon shall be granted, sentence commuted, or fine remitted, except upon the recommendation in writing of a board of pardons consisting of the presiding judge, secretary of state, and attorney general, after full hearing in open session, and such recommendation, with the reasons therefor, shall be filed in the office of the secretary of state; but the legislature may by law in all cases regulate the manner in which the remission of fines, pardons, commutations, and reprieves may be applied for. Upon conviction for treason he shall have the power to suspend the execution of the sentence until the case shall be reported to the legislature at its next regular session, when the legislature shall either pardon or commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the legislature at each regular session each case of remission of fine, reprieve, commutation, or pardon granted by him in the cases in which he is authorized to act without the recommendation of the said board of pardons, stating the name of the convict, the crime of which he is convicted, the sentence and its date, and the date of the remission, commutation, pardon, or reprieve, with his reasons for granting the same.

Sec. 6. In case of death, impeachment, resignation, failure to qualify, absence from the state, removal from office or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

Sec. 7. The lieutenant governor shall be president of the senate, but shall have only a casting vote therein. If during a vacancy in the office of governor the lieutenant governor shall be impeached, displaced, resign, or die, or from mental or physical disease, or otherwise, become incapable of performing the duties of his office, the secretary of state shall act as governor until the vacancy shall be filled or the disability removed.

Sec. 8. When any office shall, from any cause, become vacant and no mode is provided by the constitution or law for filling such vacancy, the governor shall have power to fill such vacancy by appointment.

Sec. 9. Every bill which shall have passed the legislature, shall, before it becomes a law, be presented to the governor. If he approves, he shall sign it; but if not, he shall return it, with his objection, to the house in which it originated, which shall enter the objection at large upon the journal and proceed to reconsider it. If, after such reconsideration, two-thirds of the members shall agree to pass the bill, it shall be sent, together with the objection, to the other house, by which it shall likewise be reconsidered, and if it be approved by two-thirds of the members present shall become a law, but in all such cases the vote of both houses shall be determined by the yeas and nays, and the names of the members voting for and against the bill shall be entered upon the journal of each house respectively. If any bill shall not be returned by the governor within

three days (Sundays excepted) after it shall have been presented to him, the same shall be a law, unless the legislature shall, by its adjournment, prevent its return, in which case it shall be filed, with his objection, in the office of the secretary of state within ten days after such adjournment, or become a law.

Sec. 10. The governor shall have power to disapprove of any item or items of any bill making appropriations of money embracing distinct items, and the part or parts of the bill approved shall be law, and the item or items disapproved shall be void, unless enacted in the following manner: If the legislature be in session, he shall transmit to the house in which the bill originated a copy of the item or items thereof disapproved, together with his objections thereto, and the items objected to shall be separately reconsidered, and each item shall then take the same course as is prescribed for the passage of bills over the executive veto.

Sec. 11. Any governor of this state who asks, receives, or agrees to receive any bribe upon any understanding that his official opinion, judgment, or action shall be influenced thereby, or who gives or offers or promises his official influence in consideration that any member of the legislature shall give his official vote or influence on any particular side of any question or matter upon which he may be required to act in his official capacity, or who menaces any member by threatened use of his veto power, or who offers or promises any member that he, the said governor, will appoint any particular person or persons to any office created or thereafter to be created in consideration that any member shall give his official vote or influence on any matter pending or thereafter to be introduced into either house of said legislature, or who threatens any member that he, the said governor, will remove any person or persons from any office or position with intent to in any manner influence the official action of said member, shall be punished in the manner now or that may hereafter be provided by law, and upon conviction thereof shall forfeit all right to hold or exercise any office of trust or honor in the state.

Sec. 12. There shall be chosen by the qualified electors of the state, at the time and places of choosing members of the legislature, a secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of school and public lands, and an attorney general, who shall severally hold their offices for the term of two years, but no person shall be eligible to the office of treasurer for more than two terms consecutively. They shall respectively keep their offices at the seat of government.

Sec. 13. The powers and duties of the secretary of state, auditor, treasurer, superintendent of public instruction, commissioner of school and public lands, and attorney general shall be as prescribed by law.

## ARTICLE V.

### JUDICIAL DEPARTMENT.

Sec. 1. The judicial powers of the state, except as in this constitution otherwise provided, shall be vested in a supreme court, circuit courts, county courts, and justices of the peace, and such

other courts as may be created by law for cities and incorporated towns.

Sec. 2. The supreme court, except as otherwise provided in this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, and shall have a general superintending control over all inferior courts under such regulations and limitations as may be prescribed by law.

Sec. 3. The supreme court and the judges thereof shall have power to issue writs of *habeas corpus*. The supreme court shall also have power to issue writs of *mandamus*, *quo warranto*, *certiorari*, injunction, and other original and remedial writs, with authority to hear and determine the same in such cases and under such regulations as may be prescribed by law; *Provided, however*, that no jury trials shall be allowed in said supreme court, but in proper cases questions of fact may be sent by said court to a circuit court for trial before a jury.

Sec. 4. At least two terms of the supreme court shall be held each year at the seat of government.

Sec. 5. The supreme court shall consist of three judges, to be chosen from districts by qualified electors of the state at large, as hereinafter provided.

Sec. 6. The number of said judges and districts may, after five years from the admission of this state under this constitution, be increased by law to not exceeding five.

Sec. 7. A majority of the judges of the supreme court shall be necessary to form a quorum, or to pronounce a decision, but one or more of said judges may adjourn the court from day to day, or to a day certain.

Sec. 8. The term of the judges of the supreme court who shall be elected at the first election under this constitution shall be four years. At all subsequent elections the term of said judges shall be six years.

Sec. 9. The judges of the supreme court shall by rule select from their number a presiding judge, who shall act as such for the term prescribed by such rule.

Sec. 10. No person shall be eligible to the office of judge of the supreme court unless he be learned in the law, be at least thirty years of age, a citizen of the United States, nor unless he shall have resided in this state or territory at least two years next preceding his election, and at the time of his election be a resident of the district from which he is elected; but for the purpose of re-election no such judge shall be deemed to have lost his residence in the district by reason of his removal to the seat of government in the discharge of his official duties.

Sec. 12. There shall be a clerk and also a reporter of the supreme court, who shall be appointed by the judges thereof and who shall hold office during the pleasure of said judges, and whose duties and emoluments shall be prescribed by law, and by the rules of the supreme court not inconsistent with law. The legislature shall make provision for the publication and distribution of the decisions of the supreme court, and for the sale of the published volumes thereof. No private person or corporation shall be allowed to

secure any copyright to such decisions, but if any copyrights are secured they shall inure wholly to the benefit of the state.

Sec. 13. The governor shall have authority to require the opinions of the judges of the supreme court upon important questions of law involved in the exercise of his executive powers and upon solemn occasions.

#### *Circuit Courts.*

Sec. 14. The circuit courts shall have original jurisdiction of all actions and causes, both at law and in equity, and such appellate jurisdiction as may be conferred by law and consistent with the constitution; such jurisdiction as to value and amount and grade of offense may be limited by law. They and the judges thereof shall also have jurisdiction and power to issue writs of *habeas corpus*, *mandamus*, *quo warranto*, *certiorari*, injunction and other original and remedial writs, with authority to hear and determine the same.

Sec. 15. The state shall be divided into judicial circuits, in each of which there shall be elected by the electors thereof one judge of the circuit court therein, whose term of office shall be four years.

Sec. 17. The legislature may, whenever two-thirds of the members of each house shall concur therein, increase the number of judicial circuits and the judges thereof, and divide the state into judicial circuits accordingly, taking care that they be formed of compact territory and be bounded by county lines; but such increase of number or change in the boundaries of districts shall not work the removal of any judge from his office during the term for which he shall have been elected or appointed.

Sec. 18. Writs of error and appeals may be allowed from the decisions of the circuit courts to the supreme court under such regulations as may be prescribed by law.

#### *County Courts.*

Sec. 19. There shall be elected in each organized county a county judge, who shall be judge of the county court of said county, whose term of office shall be two years until otherwise provided by law.

Sec. 20. County courts shall be courts of record and shall have original jurisdiction in all matters of probate, guardianship, and settlement of estates of deceased persons, and such other civil and criminal jurisdiction as may be conferred by law; *Provided*, that such courts shall not have jurisdiction in any case where the debt, damage, claim, or value of property involved shall exceed one thousand dollars except in matters of probate, guardianship, and the estates of deceased persons. Writs of error and appeal may be allowed from county to circuit courts, or to the supreme court, in such cases and in such manner as may be prescribed by law; *Provided*, that no appeal or writ of error shall be allowed to the circuit court from any judgment rendered upon an appeal from a justice of the peace or police magistrate for cities or towns.

Sec. 21. The county court shall not have jurisdiction in cases of felony, nor shall criminal cases therein be prosecuted by indictment; but they may have such jurisdiction in criminal matters, not of the grade of felony, as the legislature may prescribe, and the prosecutions therein may be by information or otherwise as the legislature may provide.



*Justice of the Peace.*

Sec. 22. Justices of the peace shall have such jurisdiction as may be conferred by law, but they shall not have jurisdiction of any cause wherein the value of the property or the amount in controversy exceeds the sum of one hundred dollars or where the boundaries or title to real property shall be called in question.

Sec. 23. The legislature shall have power to provide for creating such police magistrates for cities and towns as may be deemed from time to time necessary, who shall have jurisdiction of all cases arising under the ordinances of such cities and towns respectively and such police magistrates may also be constituted ex-officio justices of the peace for their respective counties.

*Municipal Courts.*

In cities having a population of five thousand or over, the legislature may provide, in lieu of police magistrates, for municipal courts, the judges whereof shall be chosen in such manner as the legislature shall prescribe, which courts shall have exclusive original jurisdiction of all cases, both civil and criminal, cognizable before a justice of the peace under the laws of the state, and in which process shall be served within the city where such court is established, and shall also have exclusive original jurisdiction of all cases arising under the ordinance of such city. Such court shall also have jurisdiction co-extensive with the county in which such city is situated, in such civil and criminal cases as may be provided by law.

*State's Attorney.*

Sec. 24. The legislature shall have power to provide for state's attorneys and to prescribe their duties and fix their compensations; but no person shall be eligible to the office of attorney general or state's attorney who shall not at the time of his election be at least twenty-five years of age, and possess all the other qualifications for judges of circuit courts as prescribed in this article.

*Miscellaneous.*

Sec. 25. No person shall be eligible to the office of judge of the circuit or county court unless he be learned in the law, be at least twenty-five years of age, and a citizen of the United States; nor unless he shall have resided in this state or territory at least one year next preceding his election, and at the time of his election be a resident of the county or circuit, as the case may be, for which he is elected.

Sec. 26. The judges of the supreme court, circuit courts, and county courts shall be chosen at the first election held under the provisions of this constitution, and thereafter as provided by law, and the legislature may provide for the election of such officers on a different day from that on which an election is held for any other purpose, and may for the purpose of making such provision extend or abridge the term of office for any of such judges then holding, but not in any case more than six months. The term of office of all judges of circuit courts, elected in the several judicial circuits throughout the state, shall expire on the same day.

Sec. 27. The time of holding courts within said judicial circuits



and counties shall be as provided by law; but at least one term of the circuit court shall be held annually in each organized county, and the legislature shall make provision for attaching unorganized counties or territory to organized counties for judicial purposes.

Sec. 28. Special terms of said court may be held under such regulations as may be provided by law.

Sec. 29. The judges of the circuit courts may hold court in other circuits than their own under such regulations as may be prescribed by law.

Sec. 30. The judges of the supreme court, circuit courts and county courts shall receive such salary as may be provided by law, consistent with this constitution, and no such judge shall receive any compensation, perquisite, or emoluments for or on account of his office in any form whatever, except such salary; *Provided*, that county judges may accept and receive such fees as may be allowed under the land laws of the United States.

Sec. 31. No judge of the supreme court or circuit court shall act as attorney or counsellor-at-law, nor shall any county judge act as attorney or counsellor-at-law in any case which is or may be brought into his court, or which may be appealed therefrom.

Sec. 32. There shall be a clerk of the circuit court in each organized county, who shall also be clerk of the county court; and who shall be elected by the qualified electors of such county. The duties and compensation of said clerk shall be as provided by law and regulated by the rules of the court consistent with the provisions of law.

Sec. 33. Until the legislature shall provide by law for fixing the terms of court, the judges of the supreme, circuit, and county courts respectively shall fix the terms thereof.

Sec. 34. All laws relating to courts shall be general and of uniform operation throughout the state, and the organization, jurisdiction, power, proceedings, and practice of all the courts of the same class or grade, so far as regulated by law, and the force and effect of the proceedings, judgments and decrees of such courts severally shall be uniform; *Provided*, however, That the legislature may classify the county courts according to the population of the respective counties and fix the jurisdiction and salary of the judges thereof accordingly.

Sec. 35. No judge of the supreme or circuit courts shall be elected to any other than a judicial office or be eligible thereto, during the term for which he was elected such judge. All votes for either of them during such terms for any elective office, except that of judge of the supreme court, circuit court or county court, given by the legislature or the people shall be void.

Sec. 36. All judges or other officers of the supreme, circuit or county courts, provided for in this article, shall hold their offices until their successors respectively are elected or appointed and qualified.

Sec. 37. All officers provided for in this article shall respectively reside in the district, county, precinct, city or town for which they may be elected or appointed. Vacancies in the elective offices provided for in this article shall be filled by appointment until the next general election as follows: All judges of the supreme, circuit and county courts by the governor. All other judicial and other

offices, by the county board of the counties where the vacancy occurs; in cases of police magistrates, by the municipality.

Sec. 38. All process shall run in the name of the "State of South Dakota." All prosecutions shall be carried on in the name of, and by authority of the "State of South Dakota."

## ARTICLE VI.

### BILL OF RIGHTS.

Sec. 1. All men are born equally free and independent, and have certain inherent rights, among which are those of enjoying and defending life and liberty; of acquiring and protecting property and the pursuit of happiness. To secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Sec. 2. No person shall be deprived of life, liberty or property without due process of law.

Sec. 3. The right to worship God according to the dictates of conscience shall never be infringed. No person shall be denied any civil or political right, privilege or position on account of his religious opinions, but the liberty of conscience hereby secured shall not be so construed as to excuse licentiousness, the invasion of the rights of others, or justify practices inconsistent with the peace or safety of the state.

No person shall be compelled to attend or support any minister or place of worship against his consent, nor shall any preference be given by law to any religious establishment or mode of worship. No money or property of the state shall be given or appropriated for the benefit of any sectarian or religious society or institution.

Sec. 4. The right of petition and of the people peaceably to assemble to consult for the common good and make known their opinion shall never be abridged.

Sec. 5. Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right. In all trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be sufficient defense. The jury shall have the right to determine the fact and the law under the direction of the court.

Sec. 6. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but the legislature may provide for a jury of less than twelve in any court not a court of record, and for the decision of civil cases by three-fourths vote of the jury in any court.

Sec. 7. In all criminal prosecutions the accused shall have the right to defend in person and by counsel; to demand the nature and cause of the accusation against him; to have a copy thereof; to meet the witnesses against him face to face; to have compulsory process served for obtaining witnesses in his behalf, and to a speedy public trial by an impartial jury of the county or district in which the offense is alleged to have been committed.

Sec. 8. All persons shall be bailable by sufficient sureties, except for capital offenses when proof is evident or presumption great. The privilege of the writ of *habeas corpus* shall not be suspended un-

less, when in case of rebellion or invasion, the public safety may require it.

Sec. 9. No person shall be compelled in any criminal case to give evidence against himself or be twice put in jeopardy for the same offense.

Sec. 10. No person shall be held for a criminal offense unless on the presentment or indictment of the grand jury, or information of the public prosecutor, except in cases of impeachment, in cases cognizable by county courts, by justices of the peace, and in cases arising in the army and navy, or in the militia, when in actual service in time of war or public danger; *Provided*, that the grand jury may be modified or abolished by law.

Sec. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause supported by affidavit, particularly describing the place to be searched, and the person or thing to be seized.

Sec. 12. No *ex-post-facto* law, or law impairing the obligation of contracts or making any irrevocable grant or privilege, franchise or immunity shall be passed.

Sec. 13. Private property shall not be taken for public use, or damaged, without just compensation as determined by jury, which shall be paid as soon as it can be ascertained and before possession is taken. No benefit which may accrue to the owner as the result of an improvement made by any private corporation shall be considered in fixing the compensation for property taken or damaged. The fee of land taken for railroad tracks or other highways shall remain in such owners, subject to the use for which it is taken.

Sec. 14. No distinction shall ever be made by law between resident aliens and citizens in reference to the possession, enjoyment or descent of property.

Sec. 15. No person shall be imprisoned for debt arising out of or founded upon a contract.

Sec. 16. The military shall be in strict subordination to the civil power. No soldier in time of peace shall be quartered in any house, without consent of the owner, nor in time of war except in the manner prescribed by law.

Sec. 17. No tax or duty shall be imposed without the consent of the people or their representatives in the legislature, and all taxation shall be equal and uniform.

Sec. 18. No law shall be passed granting to any citizen, class of citizens or corporation, privileges or immunities which upon the same terms shall not equally belong to all citizens or corporations.

Sec. 19. Elections shall be free and equal, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Soldiers in time of war may vote at their post of duty in or out of the state under regulations to be prescribed by the legislature.

Sec. 20. All courts shall be open; and every man, for an injury done him in his property, person or reputation, shall have remedy by due course of law, and right and justice administered without denial or delay.

Sec. 21. No power of suspending laws shall be exercised, unless by the legislature or its authority.

Sec. 22. No person shall be attainted of treason or felony by the legislature.

Sec. 23. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

Sec. 24. The right of citizenship to bear arms in defense of themselves and the state shall not be denied.

Sec. 25. Treason against the state shall consist only in levying war against it, or in adhering to its enemies, or in giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Sec. 26. All political power is inherent in the people, and all free government is founded on their authority and is instituted for their equal protection and benefit, and they have the right in lawful and constituted methods to alter or reform their forms of government in such manner as they may think proper. And the state of South Dakota is an inseparable part of the American Union, and the constitution of the United States is the supreme law of the land.

Sec. 27. The blessings of a free government can only be maintained by a firm adherence to justice, moderation, temperance, frugality and virtue, and by frequent recurrence to fundamental principles.

## ARTICLE VII.

### ELECTIONS AND RIGHT OF SUFFRAGE.

Sec. 1. Every male person resident of this state who shall be of the age of twenty-one years and upward not otherwise disqualified, belonging to either of the following classes, who shall be a qualified elector under the laws of the territory of Dakota at the date of the ratification of this constitution by the people, or who shall have resided in the United States one year, in the state six months, in the county thirty days, and in the election precinct where he offers his vote ten days next preceding any election, shall be deemed a qualified elector at such election:

First. Citizens of the United States.

Second. Persons of foreign birth who shall have declared their intention to become citizens conformably to the laws of the United States upon the subject of naturalization.

Sec. 3. All votes shall be by ballot, but the legislature may provide for numbering ballots for the purpose of preventing and detecting fraud.

Sec. 4. All general elections shall be biennial.

Sec. 5. Electors shall in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning from the same. And no elector shall be obliged to do military duty on the days of elections except in the time of war or public danger.

Sec. 6. No elector shall be deemed to have lost his residence in this state by reason of his absence on business of the United States or of this state, or in the military or naval service of the United States.



Sec. 7. No soldier, seaman or marine in the army or navy of the United States shall be deemed a resident of this state in consequence of being stationed therein.

Sec. 8. No person under guardianship, *non compos mentis* or insane, shall be qualified to vote at any election, nor shall any person convicted of treason or felony be qualified to vote at any election unless restored to civil rights.

Sec. 9. Any woman having the qualifications enumerated in Section 1, of this Article, as to age, residence and citizenship, and including those now qualified by the laws of the territory, may vote at any election held solely for school purposes, and may hold any office in this state except as otherwise provided in this constitution.

## ARTICLE VIII.

### EDUCATION AND SCHOOL LANDS.

Sec. 1. The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the legislature to establish and maintain a general and uniform system of public schools, wherein tuition shall be without charge, and equally open to all, and to adopt all suitable means to secure to the people the advantages and opportunities of education.

Sec. 2. All proceeds of the sale of public lands that have heretofore been or may hereafter be given by the United States for the use of public schools in the state; all such per centum as may be granted by the United States on the sales of public lands; the proceeds of all property that shall fall to the state by escheat; the proceeds of all gifts or donations to the state for public schools or not otherwise appropriated by the terms of the gift; and all property otherwise acquired for public schools, shall be and remain a perpetual fund for the maintenance of public schools, in the state. It shall be deemed a trust fund held by the state. The principal shall forever remain inviolate; and may be increased, but shall never be diminished, and the state shall make good all losses thereof which may in any manner occur.

Sec. 3. The interest and income of this fund, together with the net proceeds of all fines for violation of state laws and all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the state, and shall be for this purpose apportioned among and between all the several public school corporations of the state in proportion to the number of children in each, of school age, as may be fixed by law, and no part of the fund, either principal or interest, shall ever be diverted, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the state.

Sec. 4. After one year from the assembling of the first legislature, the lands granted to the state by the United States for the use of public schools may be sold upon the following conditions and no other: Not more than one-third of all such lands shall be sold within the first five years and no more than two-thirds within the first fifteen years after the title thereto is vested in the state, and



the legislature shall, subject to the provisions of this article, provide for the sale of the same.

The commissioner of school and public lands, the state auditor and the county superintendent of schools of the counties severally, shall constitute boards of appraisal and shall appraise all school lands, within the several counties which they may from time to time select and designate for sale at their actual value under the terms of sale.

They shall take care to first select and designate for sale the most valuable lands, and they shall ascertain all such lands as may be of special and peculiar value, other than agricultural, and cause the proper subdivision of the same in order that the largest price may be obtained therefor.

Sec. 5. No land shall be sold for less than the appraised value, and in no case for less than ten dollars an acre. The purchaser shall pay one-fourth of the price in cash, and the remaining three-fourths as follows: One-fourth in five years, one-fourth in ten years, and one-fourth in fifteen years; with interest thereon at the rate of not less than six per centum per annum, payable annually in advance, but all such subdivided lands may be sold for cash, provided that upon payment of the interest for one full year in advance, the balance of the purchase price may be paid at any time. All sales shall be at public auction to the highest bidder, after sixty days' advertisement of the same in a newspaper of general circulation in the vicinity of the lands to be sold, and one at the seat of government. Such lands as shall not have been especially subdivided shall be offered in tracts of not more than eighty acres, and those so subdivided in the smallest subdivisions. All lands designated for sale and not sold within four years after appraisal shall be reappraised by the board of appraisal as herein before provided before they are sold.

Sec. 6. All sales shall be conducted through the office of the commissioner of school and public lands as may be prescribed by law, and returns of all appraisals and sales shall be made to said office. No sale shall operate to convey any right or title to any lands for sixty days after the date thereof, nor until the same shall have received the approval of the governor in such forms as may be provided by law. No grant or patent for any such lands shall issue until final payment be made.

Sec. 7. All lands, money or other property donated, granted or received from the United States or any other source for a university, agricultural college, normal schools or other educational or charitable institution or purpose, and the proceeds of all such lands and other property so received from any source, shall be and remain perpetual funds, the interest and income of which, together with the rents of all such lands as may remain unsold, shall be inviolably appropriated and applied to the specific objects of the original grants or gifts. The principal of every such fund may be increased, but shall never be diminished, and the interest and income only shall be used. Every such fund shall be deemed a trust fund held by the state, and the state shall make good all losses therefrom that shall in any manner occur.

Sec. 8. All lands mentioned in the preceding section shall be appraised and sold in the same manner and by the same officers and

boards under the same limitations and subject to all the conditions as to price, sale and approval provided above for the appraisal and sale of lands for the benefit of public schools, but a distinct and separate account shall be kept by the proper officers of each of such funds.

Sec. 9. The lands mentioned in this article shall be leased for pasturage, meadow, farming, the growing of crops of grain and general agricultural purposes, and at public auction after notice as hereinbefore provided in case of sale and shall be offered in tracts not greater than one section. All rents shall be payable annually in advance, and no term of lease shall exceed five years, nor shall any lease be valid until it receives the approval of the governor.

Sec. 10. No claim to any public lands by any trespasser thereon by reason of occupancy, cultivation or improvement thereof, shall ever be recognized; nor shall compensation ever be made on account of any improvements made by such trespasser.

Sec. 11. The moneys of the permanent school, and other educational funds shall be invested only in first mortgages upon good improved farm lands within this state as hereinafter provided, or in bonds of school corporations within the state, in bonds of the United States or of the state of South Dakota or of any organized county, township or incorporated city in said state. The legislature shall provide by law the method of determining the amounts of said funds, which shall be invested from time to time in such classes of securities respectively, taking care to secure continuous investments as far as possible.

All moneys of said funds which may from time to time be designated for investment in farm mortgages and in the bonds of school corporations, or in bonds of organized counties, townships or incorporated cities within this state, shall for such purpose be divided among the organized counties of the state in proportion to population as nearly as provisions by law to secure continuous investment may permit. The several counties shall hold and manage the same as trust funds, and they shall be and remain responsible and accountable for the principal and interest of all such moneys received by them from the date of receipt until returned because not loaned; and in case of loss of any money so apportioned to any county, such county shall make the same good out of its common revenue. Counties shall invest said money in bonds of school corporations, counties, townships, or cities, or in first mortgages upon good improved farm lands within their limits respectively. The amount of each loan shall not exceed one-third the actual value of the lands covered by the mortgage given to secure the same, such value to be determined by the board of county commissioners of the county in which the land is situated, and in no case shall more than five thousand (\$5,000) dollars be loaned to any one person, firm or corporation, and the rate of interest shall not be less than five per centum per annum, and shall be such other and higher rate, as the legislature may provide, and shall be payable semi-annually on the first day of January and July; *Provided*, that wherever there are moneys of said fund in any county amounting to one thousand dollars that cannot be loaned according to the provisions of this section and any law pursuant thereto, the said sum may be returned to the state treasurer to be

entrusted to some other county or counties, or otherwise invested under the provisions of this section.

Each county shall semi-annually, on the first day of January and July, render an account of the condition of the funds entrusted to it to the auditor of state, and at the same time pay to or account to the state treasurer for the interest due on all funds entrusted to it.

The legislature may provide by general law that counties may retain from interest collected in excess of five per centum per annum upon all said funds entrusted to them, not to exceed one per centum per annum. But no county shall be exempted from the obligation to make semi-annual payments to the state treasury of interest at the rate provided by law for such loans, except only said one per centum, and in no case shall the interest so to be paid be less than five per centum per annum.

The legislature shall provide by law for the safe investment of the permanent school and other educational funds, and for the prompt collection of interest and income thereof, and to carry out the objects and provisions of this section.

Sec. 12. The governor may disapprove any sale, lease or investment other than such as are entrusted to the counties.

Sec. 13. All losses to the permanent school or other educational funds of this state which shall have been occasioned by the defalcation, negligence, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent funded debt against the state in favor of the fund, sustaining the loss, upon which not less than six per centum of annual interest shall be paid. The amount of indebtedness so created shall not be counted as a part of the indebtedness mentioned in Article XIII., Sec. 2.

Sec. 14. The legislature shall provide by law for the protection of the school lands from trespass or unlawful appropriation, and for their defense against all unauthorized claims or efforts to divert them from the school fund.

Sec. 15. The legislature shall make such provision by general taxation, and by authorizing the school corporations to levy such additional taxes, as with the income from the permanent school fund shall secure a thorough and efficient system of common schools throughout the state.

Sec. 16. No appropriation of lands, money or other property or credits to aid any sectarian school shall ever be made by the state, or any county or municipality within the state, nor shall the state or any county or municipality within the state accept any grant, conveyance, gifts or bequest of lands, money or other property to be used for sectarian purposes, and no sectarian instruction shall be allowed in any school or institution aided or supported by the state.

Sec. 17. No teacher, state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state, under such penalties as shall be provided by law.

## ARTICLE IX.

## COUNTY AND TOWNSHIP ORGANIZATION.

Sec. 1. The legislature shall provide by general law for organizing new counties; locating the county seats thereof and changing county lines; but no new counties shall be organized so as to include an area of less than twenty-four congressional townships, as near as may be without dividing a township or fractional township, nor shall the boundaries of any organized county be changed so as to reduce the same to a less area than above specified. All changes in county boundaries in counties already organized, before taking effect, shall be submitted to the electors of the county or counties to be affected thereby, at the next general election thereafter and be adopted by a majority of the votes cast in each county at such election. Counties now organized shall remain as they are unless changed according to the above provisions.

Sec. 2. In counties already organized where the county seat has not been located by a majority vote, it shall be the duty of the county board to submit the location of the county seat to the electors of said county at a general election. The place receiving a majority of all votes cast at said election shall be the county seat of said county.

Sec. 3. Whenever a majority of the legal voters of any organized county shall petition the board to change the location of the county seat which has once been located by a majority vote, specifying the place to which it is to be changed, said board shall submit the same to the people of the said county seat at the next general election, and if the proposition to change the county seat be ratified by two-thirds of the votes cast at said election (except as hereinafter provided), then the county seat shall be changed, otherwise not; *Provided, however*, that in cases where the county seat is not located at a railroad station and it is proposed to remove the same to the railroad station, then the proposition to change the county seat may be ratified by three-fifths of the votes cast at said election, upon the question of such removal, and in such case if the proposition to change the county seat be ratified by three-fifths of the votes cast at said election upon the question of such removal, then the county seat shall be changed, otherwise not.

A proposition to change the location of the county seat of any organized county shall not again be submitted before the expiration of four years.

Sec. 4. The legislature shall provide by general law for organizing the counties into townships, having due regard for congressional township lines and natural boundaries, and whenever the population is sufficient and the natural boundaries will permit, the civil townships shall be co-extensive with the congressional townships.

Sec. 5. In each organized county at the first general election held after the admission of the state of South Dakota into the Union, and every two years thereafter, there shall be elected a clerk of the court, sheriff, county auditor, register of deeds, treasurer, state's attorney, surveyor, coroner, and superintendent of schools, whose terms of office respectively shall be two years, and except the clerk



of the court no person shall be eligible for more than four years in succession to any of the above named offices.

Sec. 6. The legislature shall provide by general law for such county, township and district officers as may be deemed necessary, and shall prescribe the duties and compensation of all county, township and district officers.

Sec. 7. All county, township and district officers shall be electors in the county, township or district in which they are elected, provided that nothing in this section shall prevent the holding of school offices by any person as provided in Section 9, Article VII.; and provided, further, that the legislature shall have authority to prescribe additional qualifications for superintendent of schools, not inconsistent herewith.

## ARTICLE X.

### MUNICIPAL CORPORATIONS.

Sec. 1. The legislature shall provide by general laws for the organization and classification of municipal corporations. The number of such classes shall not exceed four and the powers of each class shall be defined by general laws, so that no such corporations shall have any powers, or be subject to any restrictions other than those of all corporations of the same class. The legislature shall restrict the power of such corporations to levy taxes and assessments, borrow money and contract debts, so as to prevent the abuse of such power.

Sec. 2. Except as otherwise provided in this constitution, no tax or assessment shall be levied or collected, or debts contracted by municipal corporations, except in pursuance of law, for public purposes specified by law; nor shall money raised by taxation, loan or assessment, for one purpose ever be diverted to any other.

Sec. 3. No street passenger railway or telegraph or telephone lines shall be constructed within the limits of any village, town or city without the consent of its local authorities.

## ARTICLE XI.

### REVENUE AND FINANCE.

Sec. 1. The legislature shall provide for an annual tax, sufficient to defray the estimated ordinary expenses of the state for each year, not to exceed in any one year two mills on each dollar of the assessed valuation of all taxable property in the state, to be ascertained by the last assessment made for state and county purposes.

And whenever it shall appear that such ordinary expenses shall exceed the income of the state for such year, the legislature shall provide for levying a tax for the ensuing year sufficient with other sources of income to pay the deficiency of the preceding year together with the estimated expenses of such ensuing year. And for the purpose of paying the public debt, the legislature shall provide for levying a tax annually, sufficient to pay the annual interest and the principal of such debt within ten years from the final passage of the law creating the debt, provided that the annual tax for the payment of the interest and principal of the public debt shall not exceed in any one year two mills on each dollar of the



assessed valuation of all taxable property in the state as ascertained by the last assessment made for the state and county purposes.

*Provided*, that for the purpose of establishing, installing, maintaining and operating a hard fiber twine and cordage plant at the state penitentiary at Sioux Falls, South Dakota, the legislature shall provide for a tax for the year 1907 of not to exceed one and one-half mills on each dollar of the assessed valuation of all taxable property in the state, as ascertained by the last assessment made for state and county purposes.

Sec. 2. All taxes to be raised in this state shall be uniform on all real and personal property, according to its value in money, to be ascertained by such rules of appraisement and assessment as may be prescribed by the legislature by general law, so that every person and corporation shall pay a tax in proportion to the value of his, her, or its property. And the legislature shall provide by general law for the assessing and levying of taxes on all corporation property, as near as may be by the same methods as are provided for assessing and levying of taxes on individual property.

Sec. 3. The power to tax corporations and corporate property shall not be surrendered or suspended by any contract or grant to which the state shall be a party.

Sec. 4. The legislature shall provide for taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise; and also for taxing the notes and bills discounted or purchased, moneys loaned and all other property, effects or dues of every description, of all banks and of all bankers, so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

Sec. 5. The property of the United States and of the state, county and municipal corporations, both real and personal, shall be exempt from taxation.

Sec. 6. The legislature shall, by general law, exempt from taxation, property used exclusively for agricultural and horticultural societies, for school, religious, cemetery and charitable purposes, and personal property to any amount not exceeding in value two hundred dollars, for each individual liable to taxation.

Sec. 7. All laws exempting property from taxation, other than that enumerated in sections 5 and 6 of this article, shall be void.

Sec. 8. No tax shall be levied except in pursuance of a law, which shall distinctly state the object of the same, to which the tax only shall be applied.

Sec. 9. All taxes levied and collected for state purpose shall be paid into the state treasury. No indebtedness shall be incurred or money expended by the state, and no warrant shall be drawn upon the state treasurer except in pursuance of an appropriation for the specific purpose first made. The legislature shall provide by suitable enactment for carrying this section into effect.

Sec. 10. The legislature may vest the corporate authority of cities, towns and villages with power to make local improvements by special taxation of contiguous property or otherwise. For all corporate purposes, all municipal corporations may be vested with authority to assess and collect taxes; but such tax shall be uniform in respect

to persons and property within the jurisdiction of the body levying the same.

Sec. 11. The making of profit, directly or indirectly, out of state, county, city, town or school district money, or using the same for any purpose not authorized by law, shall be deemed a felony and shall be punished as provided by law.

Sec. 12. An accurate statement of the receipts and expenditures of the public moneys shall be published annually in such manner as the legislature may provide.

## ARTICLE XII.

### PUBLIC ACCOUNTS AND EXPENDITURES.

Sec. 1. No money shall be paid out of the treasury except upon appropriation by law and on warrant drawn by the proper officer.

Sec. 2. The general appropriation bill shall embrace nothing but appropriations for ordinary expenses of the executive, legislative and judicial departments of the state, the current expenses of state institutions, interest on the public debt, and for common schools. All other appropriation shall be made by separate bills, each embracing but one object, and shall require a two-thirds vote of all the members of each branch of the legislature.

Sec. 3. The legislature shall never grant any extra compensation to any public officer, employe, agent or contractor after the services shall have been rendered or the contract entered into, nor authorize the payment of any claims or part thereof created against the state, under any agreement or contract made without express authority of law, and all such unauthorized agreements or contracts shall be null and void; nor shall the compensation of any public officer be increased or diminished during his term of office; *Provided, however*, that the legislature may make appropriations for expenditures incurred in suppressing insurrection or repelling invasion.

Sec. 4. An itemized statement of all receipts and expenditures of the public moneys shall be published annually in such manner as the legislature shall provide, and such statements shall be submitted to the legislature at the beginning of each regular session by the governor with his message.

## ARTICLE XIII.

### PUBLIC INDEBTEDNESS.

Sec. 1. Neither the state nor any county, township or municipality shall loan or give its credit or make donations to or in aid of any individual, association or corporation except for the necessary support of the poor, nor subscribe to or become the owner of the capital stock of any association or corporation, nor pay or become responsible for the debt or liability of any individual, association or corporation; *Provided*, that the state may assume or pay such debt or liability when incurred in time of war for the defense of the state. Nor shall the state engage in any work of internal improvement.

Sec. 2. For the purpose of defraying extraordinary expenses and making public improvements, or to meet casual deficits or failure in revenue, the state may contract debts never to exceed with pre-

vious debts in the aggregate \$100,000, and no greater indebtedness shall be incurred except for the purpose of repelling invasion, suppressing insurrection, or defending the state or the United States in war, and provision shall be made by law for the payment of the interest annually, and the principal when due, by tax levied for the purpose or from other sources of revenue; which law providing for the payment of such interest and principal by such tax or otherwise shall be irrevocable until such debt is paid; *Provided, however*, the state of South Dakota shall have the power to refund the territorial debt assumed by the state of South Dakota, by bonds of the state of South Dakota.

Sec. 3. That the indebtedness of the state of South Dakota limited by Section 2 of this article shall be in addition to the debt of the territory of Dakota assumed by and agreed to be paid by South Dakota.

Sec. 4. The debt of any county, city, town, school district, civil township or other subdivision, shall never exceed five (5) per centum upon the assessed valuation of the taxable property therein for the year preceding that in which said indebtedness is incurred.

In estimating the amount of indebtedness which a municipality or subdivision may incur, the amount of indebtedness contracted prior to the adoption of the constitution shall be included:

*Provided*, that any county, municipal corporation, civil township, district or other subdivision may incur an additional indebtedness not exceeding ten per centum upon the assessed valuation of the taxable property therein for the year preceding that in which said indebtedness is incurred, for the purpose of providing water and sewerage for irrigation, domestic uses, sewerage and other purposes; and

*Provided, further*, that in a city where the population is eight thousand or more, such city may incur an indebtedness not exceeding eight per centum upon the assessed valuation of the taxable property therein for the year next preceding that in which said indebtedness is incurred for the purpose of constructing street railways, electric lights or other lighting plants.

*Provided, further*, that no county, municipal corporation, civil township, district or subdivision shall be included within such district or subdivision without a majority vote in favor thereof of the electors of the county, municipal corporation, civil township, district or other subdivision, as the case may be, which is proposed to be included therein, and no such debt shall ever be incurred for any of the purposes in this section provided, unless authorized by a vote in favor thereof by a majority of the electors of such county, municipal corporation, civil township, district or subdivision incurring the same.

Sec. 5. Any city, county, town, school district or any other subdivision incurring indebtedness shall, at or before the time of so doing, provide for the collection of an annual tax sufficient to pay the interest and also the principal thereof when due, and all laws or ordinances providing for the payment of the interest or principal of any debt shall be irrevocable until such debt be paid.

## ARTICLE XIV.

## STATE INSTITUTIONS.

Sec. 1. The charitable and penal institutions of the state of South Dakota shall consist of a penitentiary, insane hospital, a school for the deaf and dumb, a school for the blind, and a reform school.

Sec. 2. The state institutions provided for in the preceding section shall be under the control of the state board of charities and corrections, under such rules and restrictions as the legislature shall provide; such board to consist of not to exceed five members, to be appointed by the governor and confirmed by the senate, and whose compensation shall be fixed by law.

Sec. 3. The state university, the agricultural college, the normal schools and all other educational institutions that may be sustained either wholly or in part by the state shall be under the control of a board of five members appointed by the governor and confirmed by the senate under such rules and restrictions as the legislature shall provide. The legislature may increase the numbers of members to nine.

Sec. 5. The legislature shall provide that the science of mining and metallurgy be taught in at least one institution of learning under the patronage of the state.

## ARTICLE XV.

## MILITIA.

Sec. 1. The militia of the state of South Dakota shall consist of all able bodied male persons residing in the state, between the ages of eighteen and forty-five years, except such persons as now are, or hereafter may be exempted by the laws of the United States or of this state.

Sec. 2. The legislature shall provide by law for the enrollment, uniforming, equipment and discipline of the militia and the establishment of volunteer and such other organizations or both, as may be deemed necessary for the protection of the state, the preservation of order and the efficiency and good of the service.

Sec. 3. The legislature in providing for the organization of the militia shall conform, as nearly as practicable, to the regulations for the government of the armies of the United States.

Sec. 4. All militia officers shall be commissioned by the governor, and may hold their commissions for such period of time as the legislature may provide, subject to removal by the governor for cause, to be first ascertained by a court-martial pursuant to law.

Sec. 5. The militia shall in cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at muster and elections, and in going to and returning from the same.

Sec. 6. All military records, banners and relics of the state, except when in lawful use, shall be preserved in the office of the adjutant general as an enduring memorial of the patriotism and valor of South Dakota; and it shall be the duty of the legislature to provide by law for the safe keeping of the same.

Sec. 7. No person having conscientious scruples against bearing arms shall be compelled to do military duty in time of peace.



## ARTICLE XVI.

## IMPEACHMENT AND REMOVAL FROM OFFICE.

Sec. 1. The house of representatives shall have the sole power of impeachment.

The concurrence of a majority of all members elected shall be necessary to an impeachment.

Sec. 2. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the governor or lieutenant governor is on trial the presiding judge of the supreme court shall preside.

Sec. 3. The governor and other state and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the state. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Sec. 4. All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance or crime or misdemeanor in office, or for drunkenness or gross incompetency, in such manner as may be provided by law.

Sec. 5. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

Sec. 6. On trial of an impeachment against the governor the lieutenant governor shall not act as a member of the court.

Sec. 7. No person shall be tried on impeachment before he shall have been served with a copy thereof at least twenty days previous to the day set for trial.

Sec. 8. No person shall be liable to impeachment twice for the same offense.

## ARTICLE XVII.

## CORPORATIONS.

Sec. 1. No corporation shall be created or have its charter extended, changed or amended by special laws except those for charitable, educational, penal or reformatory purposes, which are to be and remain under the patronage and control of the state; but the legislature shall provide, by general laws for the organization of all corporations hereafter to be created.

Sec. 2. All existing charters, or grants of special or exclusive privileges, under which a *bona fide* organization shall not have taken place and business been commenced in good faith at the time this constitution takes effect, shall thereafter have no validity.

Sec. 3. The legislature shall not remit the forfeiture of the charter of any corporation now existing nor alter or amend the same nor pass any other general or special law for the benefit of such corporation, except upon the condition that such corporation shall thereafter hold its charter subject to the provisions of this constitution.



Sec. 4. The exercise of the right of eminent domain shall never be abridged or so construed as to prevent the legislature from taking the property and franchises of incorporated companies and subjecting them to public use, the same as the property of individuals; and the exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well-being of the state.

Sec. 5. In all elections for directors or managers of a corporation, each member or shareholder may cast the whole number of his votes for one candidate, or distribute them upon two or more candidates, as he may prefer.

Sec. 6. No foreign corporation shall do any business in this state without having one or more known places of business and an authorized agent or agents in the same upon whom process may be served.

Sec. 7. No corporation shall engage in any business other than that expressly authorized in its charter, nor shall it take or hold any real estate except such as may be necessary and proper for its legitimate business.

Sec. 8. No corporation shall issue stocks or bonds except for money, labor done, or money or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and indebtedness of corporations shall not be increased except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock first obtained, at a meeting to be held after sixty days' notice given in pursuance of law.

Sec. 9. The legislature shall have the power to alter, revise or annul any charter of any corporation now existing and revokable at the taking effect of this constitution, or any that may be created, whenever in their opinion it may be injurious to the citizens of this state, in such a manner, however, that no injustice shall be done to the incorporators. No law hereafter enacted shall create, renew or extend the charter of more than one corporation.

Sec. 10. No law shall be passed by the legislature granting the right to construct and operate a street railroad within any city, town or incorporated village, without requiring the consent of the local authorities having the control of the street or highway proposed to be occupied by such street railroad.

Sec. 11. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph in this state and to connect the same with other lines; and the legislature shall by general law of uniform operation provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of any other telegraph company owning a competing line, or acquire by purchase or otherwise, any other competing line of telegraph.

Sec. 12. Every railroad corporation organized or doing business in this state under the laws or authority thereof shall have and maintain a public office or place in this state for the transaction of its business, where transfers of its stock shall be made, and in which shall be kept for public inspection books in which shall be recorded the amount of

capital stock subscribed, and by whom; the names of the owners of its stock, and the amount owned by them respectively; the amount of stock paid in, and by whom; the transfers of said stock; the amount of its assets and liabilities; and the names and places of residence of its officers. The directors of every railroad corporation shall annually make a report, under oath, to the auditor of public accounts or some officer or officers to be designated by law, of all their acts and doings, which report shall include such matters relating to railroads as may be prescribed by law, and the legislature shall pass laws enforcing by suitable penalties the provisions of this section.

Sec. 13. The rolling stock, and all other movable property belonging to any railroad company or corporation in this state shall be considered personal property, and shall be liable to execution and sale in the same manner as the personal property of individuals, and the legislature shall pass no laws exempting such property from execution and sale.

Sec. 14. No railroad corporation shall consolidate its stock, property or franchises with any other railroad corporation owning a parallel or competing line; and in no case shall any consolidation take place except upon public notice given out, at least sixty days to all stockholders, in such manner as may be provided by law. Any attempt to evade the provisions of this section, by any railroad corporation, by lease or otherwise, shall work a forfeiture of its charter.

Sec. 15. Railways heretofore constructed or that may hereafter be constructed, in this state are hereby declared public highways, and all railroad and transportation companies are declared to be common carriers and subject to legislative control; and the legislature shall have power to enact laws regulating and controlling the rates of charges for the transportation of passengers and freight as such common carriers from one point to another in this state.

Sec. 16. Any association or corporation organized for the purpose shall have the right to construct and operate a railroad between any points within this state, and to connect at the state line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage and cars, loaded or empty, without delay or discrimination.

Sec. 17. The legislature shall pass laws to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads in this state, and enforce such laws by adequate penalties, to the extent, if necessary for that purpose, of forfeiture of their property and franchises.

Sec. 18. Municipal and other corporations and individuals invested with the privilege of taking private property for public use shall make just compensation for property taken, injured or destroyed, by the construction or enlargement of their works, highways or improvements, which compensation shall be paid or secured before such taking, injury or destruction. The legislature is hereby prohibited from depriving any person of an appeal from any preliminary assessment of damages against any such corporation or individuals made by viewers or otherwise; and the amount of such damages in all cases of appeal shall, on the demand of either party, be determined by a jury as in other civil cases.

Sec. 19. The term "corporations" as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.

Sec. 20. Monopolies and trusts shall never be allowed in this state and no incorporated company, co-partnership or association of persons in this state shall directly or indirectly combine or make any contract with any incorporated company, foreign or domestic, through their stockholders or the trustees or assigns of such stockholders, or with any co-partnership or association of persons, or in any manner whatever to fix the prices, limit the production or regulate the transportation of any product or commodity so as to prevent competition in such prices, production or transportation or to establish excessive prices therefor.

The legislature shall pass laws for the enforcement of this section by adequate penalties and in the case of incorporated companies, if necessary for that purpose may, as a penalty, declare a forfeiture of their franchises.

## ARTICLE XVIII.

### BANKING AND CURRENCY.

Sec. 1. If a general banking law shall be enacted it shall provide for the registry and countersigning by an officer of this state of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in the approved securities of the state or of the United States, to be rated at ten per centum below their par value, and in case of their depreciation the deficiency shall be made good by depositing additional securities.

Sec. 2. Every bank, banking company or corporation shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter close its business, but shall have corporate capacity to sue or be sued until its business is fully closed, but the legislature may provide by general law for the reorganization of such banks.

Sec. 3. The shareholders or stockholders of any banking corporation shall be held individually responsible and liable for all contracts, debts and engagements of such corporation to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares or stock; and such individual liabilities shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

## ARTICLE XIX.

### CONGRESSIONAL AND LEGISLATIVE APPORTIONMENT.

Sec. 1. Until otherwise provided by law, the members of the house of representatives of the United States, apportioned to this state, shall be elected by the state at large.

Sec. 2. Until otherwise provided by law, the senatorial and representative districts shall be formed, and the senators and representatives shall be apportioned as follows: [See Chapter VII for the apportionment of 1911.]

## ARTICLE XX.

## SEAT OF GOVERNMENT.

Sec. 1. The question of the location of the temporary seat of government shall be submitted to a vote of the electors of the proposed state of South Dakota in the same manner and at the same election at which this constitution shall be submitted, and the place receiving the highest number of votes shall be the temporary seat of government until a permanent seat of government shall be established as hereinafter provided.

Sec. 2. The legislature at its first session after the admission of this state, shall provide for the submission of the question of a place for a permanent seat of government to the qualified voters of the state at the next general election thereafter, and that place which receives a majority of all the votes cast upon that question shall be the permanent seat of government.

Sec. 3. Should no place voted for at said election have a majority of all votes cast upon this question, the governor shall issue his proclamation for an election to be held in the same manner at the next general election to choose between the two places having received the highest number of votes cast at the first election on this question. This election shall be conducted in the same manner as the first election for the permanent seat of government, and the place receiving the majority of all votes cast upon this question shall be the permanent seat of government.

## ARTICLE XXI.

## MISCELLANEOUS.

Sec. 1. *Seal and Coat of Arms.* The design of the great seal of South Dakota shall be as follows: A circle within which shall appear in the left foreground a smelting furnace and other features of mining work. In the left background a range of hills. In the right foreground a farmer at his plow. In the right background a herd of cattle and a field of corn. Between the two parts thus described shall appear a river bearing a steamboat. Properly divided between the upper and lower edges of the circle shall appear the legend, "Under God the People Rule," which shall be the motto of the state of South Dakota. Exterior to this circle and within a circumscribed circle shall appear, in the upper part, the words, "State of South Dakota," in the lower part the words, "Great Seal," and the date in Arabic numerals of the year in which the state shall be admitted to the Union.

Sec. 2. *Compensation of Public Officers.* The governor shall receive an annual salary of two thousand five hundred dollars; the judges of the supreme court shall each receive an annual salary of two thousand five hundred dollars; the judges of the circuit court shall each receive an annual salary of two thousand dollars; *Provided*, that the legislature may, after the year one thousand eight hundred and ninety, increase the annual salary of the governor and each of the judges of the supreme court to three thousand dollars, and the annual salary of each of the circuit court judges to two thousand five hundred dollars. The secretary of state, state treasurer and state auditor shall each receive an annual salary of one thousand eight



hundred dollars; the commissioner of schools and public lands shall receive an annual salary of one thousand eight hundred dollars; the superintendent of public instruction shall receive an annual salary of one thousand eight hundred dollars; the attorney general shall receive an annual salary of one thousand dollars; the compensation of the lieutenant governor shall be double the compensation of the state senator. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the legislature to increase the salaries of the officers named in this article except as herein provided.

Sec. 3. *Oath of Office.* Every person elected or appointed to any office in this state, except such inferior offices as may be by law exempted, shall before entering upon the duties thereof take an oath or affirmation to support the constitution of the United States and of this state, and faithfully to discharge the duties of his office.

Sec. 4. *Exemptions.* The right of the debtor to enjoy the comforts and necessities of life shall be recognized by wholesome laws exempting from forced sale a homestead, the value of which shall be limited and defined by law, to all heads of families, and a reasonable amount of personal property, the kind and value of which to be fixed by general laws.

Sec. 5. *Rights of Married Women.* The real and personal property of any woman in this state, acquired before marriage, and all property to which she may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

Sec. 6. *Drainage.* The drainage of agricultural lands is hereby declared to be a public purpose and the legislature may provide therefor, and may provide for the organization of drainage districts for the drainage of land for any public use, and may vest the corporate authorities thereof, and the corporate authorities of counties, townships and municipalities, with the power to construct levees, drains and ditches, and to keep in repair all drains, ditches and levees heretofore constructed under the laws of this state, by special assessments upon the property benefited thereby, according to benefits received.

## ARTICLE XXII.

### COMPACT WITH THE UNITED STATES.

The following article shall be irrevocable without the consent of the United States and the people of the state of South Dakota expressed by their legislative assembly:

*First,* That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

*Second,* That we the people inhabiting the state of South Dakota, do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundary of South Dakota, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States; and said



Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without the said state shall never be taxed at a higher rate than the lands belonging to residents of this state; that no taxes shall be imposed by the state of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the state of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States or from any person a title thereto by patent or other grant save and except such lands as have been or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation. All such lands which may have been exempted by any grant or law of the United States shall remain exempt to the extent, and as prescribed by such act of congress.

*Third*, That the state of South Dakota shall assume and pay that portion of the debts and liabilities of the territory of Dakota as provided in this constitution.

*Fourth*, That provision shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this state, and free from sectarian control.

## ARTICLE XXIII.

### AMENDMENTS AND REVISIONS OF THE CONSTITUTION.

Sec. 1. Any amendment or amendments to this constitution may be proposed in either house of the legislature, and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays taken thereon, and it shall be the duty of the legislature to submit such proposed amendment or amendments to the vote of the people at the next general election. And if the people shall approve and ratify such amendment or amendments by a majority of the electors voting thereon, such amendment or amendments shall become a part of this constitution; *Provided*, that the amendment or amendments so proposed shall be published for a period of twelve weeks previous to the date of said election, in such manner as the legislature may provide; and *provided, further*, that if more than one amendment be submitted they shall be submitted in such manner that the people may vote for or against such amendments separately.

Sec. 2. Whenever two-thirds of the members elected to each branch of the legislature shall think it necessary to call a convention to revise this constitution they shall recommend to the electors to vote at the next election for members of the legislature, for or against a convention; and if a majority of all the electors voting at said election shall have voted for a convention, the legislature shall, at their next session, provide by law for calling the same. The convention shall consist of as many members as the house of representatives of the legislature, and shall be chosen in the same manner and shall meet within three months after their election for the purpose aforesaid.

## ARTICLE XXVI.

## SCHEDULE AND ORDINANCE.

Sec. 17. The ordinances and schedule enacted by this convention shall be held to be valid for all the purposes thereof.

Sec. 18. That we, the people of the state of South Dakota, do ordain:

*First*, That perfect toleration of religious sentiment shall be secured, and that no inhabitant of this state shall ever be molested in person or property on account of his or her mode of religious worship.

*Second*, That we, the people inhabiting the state of South Dakota, do agree and declare that we forever disclaim all right and title to the unappropriated public lands lying within the boundaries of South Dakota; and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States the same shall be and remain subject to the disposition of the United States and said Indian lands shall remain under the absolute jurisdiction and control of the congress of the United States; that the lands belonging to citizens of the United States residing without the said state, shall never be taxed at a higher rate than the lands belonging to residents of this state. That no taxes shall be imposed by the state of South Dakota on lands or property therein belonging to or which may hereafter be purchased by the United States, or reserved for its use. But nothing herein shall preclude the state of South Dakota from taxing as other lands are taxed any lands owned or held by any Indian who has severed his tribal relation and has obtained from the United States, or from any person a title thereto by patent or other grant save and except such lands as have been, or may be granted to any Indian or Indians under any act of congress containing a provision exempting the lands thus granted from taxation, all such lands which may have been exempted by any grant or law of the United States, shall remain exempt to the extent, and as prescribed by such act of congress.

*Third*, That the state of South Dakota shall assume and pay that portion of the debts and liabilities of the territory of Dakota as provided in this constitution.

*Fourth*, That provisions shall be made for the establishment and maintenance of systems of public schools, which shall be open to all the children of this state, and free from sectarian control.

*Fifth*, That jurisdiction is ceded to the United States over the military reservations of Fort Meade, Fort Randall, and Fort Sully, heretofore declared by the President of the United States; *provided*, legal process, civil and criminal, of this state shall extend over such reservations in all cases of which exclusive jurisdiction is not vested in the United States, or of crimes not committed within the limits of such reservations. These ordinances shall be irrevocable without the consent of the United States, and also the people of the said state of South Dakota, expressed by their legislative assembly.

## ARTICLE XXVIII.

## INVESTMENT OF SCHOOL MONEY.

The several counties of the state shall invest the moneys of the permanent school and endowment funds in bonds of school corporation, state, county and municipal bonds or in first mortgages upon good improved farm lands within their limits respectively; under such regulations as the legislature may provide, but no farm loan shall exceed one thousand dollars to any one person, firm or corporation.

## THE ORIGIN OF CERTAIN SOUTH DAKOTA NAMES.

- Aberdeen, a city in Scotland.  
 Armour, Phil. K. Armour, Chicago.  
 Aurora, a Latin word, meaning "morning," "dawn," "east."  
 Beadle (bé'dle), Hon. W. H. H. Beadle, Madison, S. D., Supt. Public Instruction, 1879-85.  
 Belle Fourche (bel foorsh'), a French word, meaning "beautiful fork;" from the abundance and variety of wild flowers growing along the forks of the Cheyenne river.  
 Beresford (bêrs'ford), Lord Beresford.  
 Bonesteel, Hon. W. H. Bonesteel, Springfield, S. D.  
 Bonhomme (bôn'ôm), *Bon Homme Jacques*, the Frenchman's "Uncle Sam."  
 Bowdle, Hon. G. M. Bowdle, Mitchell, S. D.  
 Britton, Isaac T. Britton, an early settler.  
 Brookings, Hon. Wilmot W. Brookings, an early settler.  
 Brown, Hon. Alfred Brown, legislator, 1879.  
 Brule (broo'lâ), a tribe of Sioux Indians.  
 Buffalo, for the bison of the prairies.  
 Butte (bewt), from the presence of many steep sided hills called buttes.  
 Campbell, Hon. N. B. Campbell of Scotland, S. D., legislator, 1873.  
 Canton, a city in China.  
 Chamberlain, Selah Chamberlain, railway promoter, Cleveland, Ohio.  
 Charles Mix, United States Commissioner of Indian Affairs, 1853.  
 Clark, Hon. Newton Clark, legislator, 1873.  
 Clay, Henry Clay.  
 Codington, Rev. R. B. Codington, legislator, 1877.  
 Custer, Gen. G. A. Custer.  
 Davison, Henry C. Davison, the first settler in the county.  
 Day, Merritt H. Day, a pioneer.  
 Deadwood, from the dead and down timber which obstructed placer mining in the gulch in 1875.  
 De Smet, Peter De Smet, a Jesuit missionary.  
 Deuel (dû'êl'), Hon. Jacob Deuel of Vermillion, Legislator.  
 Douglas, Stephen A. Douglas.  
 Edmunds, Hon. Newton Edmunds, Governor, 1863-66.  
 Elk Point, so named by very early traders. Audubon, 1842, mentions the name.  
 Eureka, a Greek word, meaning "I have found it."  
 Faulk, Hon. Andrew J. Faulk, Governor, 1866-69.  
 Flandreau (fan'drew), Judge Flandrau, St. Paul, Minnesota.  
 Grant, Ulysses S. Grant.  
 Gregory, Hon. J. S. Gregory, legislator, 1862.  
 Groton (grô'ton), a town in Massachusetts, pronounced there, grô'ton).  
 Hamlin, Hannibal Hamlin.  
 Hand, Hon. Geo. H. Hand, territorial secretary, 1874-83.  
 Hanson, Hon. Joseph R. Hanson, clerk of the first legislature.  
 Herreid (hêr're id), Hon. Chas. N. Herreid, Governor, 1901-04.  
 Hughes, Hon. Alex. Hughes, legislator, 1873.  
 Hutchinson, Hon. John Hutchinson, first territorial secretary, 1861-65.  
 Hyde, Hon. James Hyde, legislator, 1873.  
 Ipswich, a town in Massachusetts.  
 Jerauld (jer ald'), Hon. H. A. Jerauld, legislator, 1883.  
 Keyapaha (kê'yâ pâ'hâ), Indian word, meaning, "turtle hills."  
 Kingsburg, G. W. and T. A. Kingsbury, brothers, legislators.  
 Lawrence, Hon. John Lawrence, legislator, 1875.  
 Lead (lêd), a miner's term, meaning a lode or the course of a vein.  
 Leola, Leola Haynes, daughter of Capt. E. D. Haynes, an early settler.  
 Lincoln, Abraham Lincoln.  
 Lyman, Hon. W. P. Lyman, legislator and first settler in the county.  
 McCook, Hon. Edwin S. McCook, secretary of territory, 1872-3.  
 McPherson, Gen. J. B. McPherson.

Madison, Madison, Wisconsin, by reason of similarity in lakes and topography.  
 Marshall, named by county commissioners for Marshall Vincent, then a member of the board.  
 Meade (mēd), Gen. Geo. G. Meade.  
 Milbank, Jeremiah Milbank, New York, a director of the C., M. & St. P. Ry.  
 Miller, Henry Miller, an early settler.  
 Miner, Capt. Nelson Miner and Hon. Ephraim Miner, legislators.  
 Minnehaha, an Indian word, meaning "laughing water."  
 Mitchell, Alexander Mitchell, President of C., M. & St. P. Ry.  
 Moody, Hon. Gideon C. Moody, U. S. Senator, 1889-91.  
 Moreau (mōr-rōw), a French word, meaning "extremely well," the name of a trader whose post was at the mouth of the river in 1832.  
 Parker, Kimball Parker, civil engineer locating the railway through the place.  
 Pennington, Hon. John L. Pennington, Governor, 1874-78.  
 Pierre (pir), Pierre Chouteau, who built Ft. Pierre in 1832.  
 Plankinton, William Plankinton, Milwaukee.  
 Platte (plät), from Platte river, corrupted from Pratte, a St. Louis trader, Bernard Pratte.  
 Pollock, R. W. Pollock, a pioneer of Campbell county.  
 Roberts, S. G. Roberts, Fargo, N. D.  
 Salem, a Hebrew word, meaning "peace," named for a town in Mass.  
 Sanborn, Supt. Geo. W. Sanborn of the C., M. & St. P. Ry.  
 Sioux (soo), as in Sioux Falls, see footnote in chapter I.  
 Sisseton (sis'e ton), a tribe of Sioux Indians.  
 Spink, Hon. S. L. Spink, delegate to Congress, 1869-71.  
 Stanley, Gen. Daniel S. Stanley, commanding Ft. Sully.  
 Sturgis (stūr'gis), Gen. Sturgis.  
 Sully, Alfred Sully of the United States army.  
 Tripp, Hon. Bartlett Tripp, Yankton, S. D., Chief Justice territorial supreme court, 1885-89; Minister to Austria-Hungary, etc.  
 Turner, Hon. J. W. Turner, legislator.  
 Vermillion, river is so named from outcrops of red earth along its banks, and because early explorers thought it led up to the pipestone quarries.  
 Walworth, for a county of that name in Wisconsin.  
 Watertown, a town of New York, by settlers from that place.  
 Webster, John P. Webster, an early settler.  
 Wessington, a teamster of that name in Col. Noble's party who discovered the springs.  
 Woonsocket, an Indian word, meaning "at the place of mist."  
 Yankton, corruption of Ehanktonwan, the name of a tribe of Indians.

#### TERRITORIAL GOVERNORS.

|                         |         |                         |         |
|-------------------------|---------|-------------------------|---------|
| William Jayne .....     | 1862-63 | William A. Howard.....  | 1878-80 |
| Newton Edmunds .....    | 1863-66 | Nehemiah G. Ordway..... | 1880-84 |
| Andrew J. Faulk.....    | 1866-69 | Gilbert A. Pierce.....  | 1884-87 |
| John A. Burbank.....    | 1869-74 | Louis K. Church.....    | 1887-89 |
| John J. Pennington..... | 1874-78 | Arthur C. Mellette..... | 1889    |

#### DELEGATES TO CONGRESS.

|                      |         |                       |         |
|----------------------|---------|-----------------------|---------|
| J. B. S. Todd.....   | 1862-64 | G. G. Bennett.....    | 1879-81 |
| W. A. Burleigh.....  | 1864-69 | R. F. Pettigrew.....  | 1881-83 |
| S. L. Spink.....     | 1869-71 | J. B. Raymond.....    | 1883-85 |
| M. K. Armstrong..... | 1871-75 | Oscar S. Gifford..... | 1885-88 |
| J. P. Kidder.....    | 1875-79 | Geo. A. Mathews.....  | 1888-89 |

NOTE—Geo. A. Mathews was elected delegate to congress in November, 1888, his term to commence March 4, 1889. Congress did not convene until December following. Before that time statehood had been accomplished, and he was therefore never sworn in.

#### STATE GOVERNORS.

|                         |           |                       |           |
|-------------------------|-----------|-----------------------|-----------|
| Arthur C. Mellette..... | 1889-1892 | Samuel H. Elrod.....  | 1905-1906 |
| Charles H. Sheldon..... | 1893-1896 | Coe I. Crawford.....  | 1907-1908 |
| Andrew E. Lee.....      | 1897-1900 | Robert S. Vessey..... | 1909-     |
| Charles N. Herreid..... | 1901-1904 |                       |           |



## REPRESENTATIVES IN CONGRESS.

|                       |           |                    |           |
|-----------------------|-----------|--------------------|-----------|
| O. S. Gifford.....    | 1889-1891 | J. A. Pickler..... | 1889-1897 |
| J. R. Gamble (a)..... | 1891-     |                    |           |
| J. L. Jolley.....     | 1891-1893 |                    |           |
| W. V. Lucas.....      | 1893-1895 |                    |           |
| R. J. Gamble.....     | 1895-1897 |                    |           |
| Freeman Knowles.....  | 1897-1899 | J. E. Kelly.....   | 1897-1899 |
| R. J. Gamble.....     | 1899-1901 | C. H. Burke.....   | 1899-1907 |
| E. W. Martin.....     | 1901-1907 |                    |           |
| W. H. Parker (b)..... | 1907-1908 | Philo Hall.....    | 1907-1909 |
| E. W. Martin.....     | 1908-     | C. H. Burke.....   | 1909-     |

(a) Died in the summer of 1891. J. L. Jolley was elected at a special election in November, 1891. (b) See page 235.

## UNITED STATES SENATORS.

|                      |           |                      |           |
|----------------------|-----------|----------------------|-----------|
| G. C. Moody.....     | 1889-1891 | Coe I. Crawford..... | 1909-     |
| J. H. Kyle (a).....  | 1891-1901 | R. F. Pettigrew..... | 1889-1901 |
| A. B. Klitredge..... | 1901-1909 | R. J. Gamble.....    | 1901-     |

(a) See page 236.

## JUDGES OF THE SUPREME COURT.

|                         |           |                         |           |
|-------------------------|-----------|-------------------------|-----------|
| Dighton Corson.....     | 1889-     | H. G. Fuller.....       | 1904-1909 |
| Alphonso G. Kellam..... | 1889-1896 | Charles S. Whiting..... | 1910-     |
| John E. Bennett.....    | 1889-1894 | James H. McCoy.....     | 1910-     |
| Dick Haney.....         | 1899-     | Ellison G. Smith.....   | 1910-     |

## POPULATION.

South Dakota 583,888 in 1910; 455,185 in 1905; 401,570 in 1900; 330,975\* in 1895; 328,808\* in 1890.

Portion of Dakota territory now included in state of South Dakota 262,560\* in 1885; 98,711\* in 1880; 11,915\* in 1870; 2,402\* in 1861.

\*Before 1900 Indians and half-breeds were not included.

| County.           | County Seat.        | Area.  | Organ-<br>ized. | Population.<br>1900. | 1910.  |
|-------------------|---------------------|--------|-----------------|----------------------|--------|
| Armstrong .....   |                     | ...    | ...             | 8                    | 647    |
| Aurora .....      | Plankinton .....    | 724    | 1881            | 4,011                | 6,143  |
| Beadle .....      | Huron .....         | 1,270  | 1880            | 8,081                | 15,776 |
| Bon Homme .....   | Tyndall .....       | 569    | 1862            | 10,379               | 11,061 |
| Brookings .....   | Brookings .....     | 817    | 1871            | 12,561               | 14,178 |
| Brown .....       | Aberdeen .....      | 1,745  | 1880            | 15,286               | 25,867 |
| Brule .....       | Chamberlain .....   | 808    | 1875            | 5,401                | 6,451  |
| Buffalo .....     | Gann Valley .....   | 483    | 1871            | 1,790                | 1,589  |
| Butte .....       | Belle Fourche ..... | 2,280* | 1883            | 2,907                | 4,993  |
| Campbell .....    | Mound City .....    | 765    | 1883            | 4,527                | 5,244  |
| Charles Mix ..... | Geddes .....        | 1,133  | 1879            | 8,498                | 14,899 |
| Clark .....       | Clark .....         | 987    | 1880            | 6,942                | 10,901 |
| Clay .....        | Vermillion .....    | 415    | 1862            | 9,316                | 8,711  |
| Codington .....   | Watertown .....     | 786    | 1878            | 8,770                | 14,092 |
| Corson .....      | McIntosh .....      | 1,296* | 1910            | ...                  | 2,929  |
| Custer .....      | Custer City .....   | 1,612  | 1877            | 2,728                | 4,458  |
| Davison .....     | Mitchell .....      | 486    | 1873            | 7,483                | 11,625 |
| Day .....         | Webster .....       | 1,077  | 1881            | 12,254               | 14,372 |
| Deuel .....       | Clear Lake .....    | 621    | 1878            | 6,656                | 7,768  |
| Dewey .....       | Timber Lake .....   | 1,044* | 1910            | ...                  | 1,145  |
| Douglas .....     | Armour .....        | 445    | 1882            | 5,012                | 6,400  |
| Edmunds .....     | Ipswich .....       | 1,176  | 1883            | 4,916                | 7,654  |
| Fall River .....  | Hot Springs .....   | 1,757  | ...             | 3,541                | 7,763  |
| Faulk .....       | Faulton .....       | 1,010  | 1883            | 3,547                | 6,716  |
| Grant .....       | Milbank .....       | 694    | 1878            | 9,103                | 10,303 |
| Gregory .....     | Fairfax .....       | 1,004  | 1898            | 2,211                | 13,061 |
| Hamlin .....      | Castlewood .....    | 543    | 1878            | 5,945                | 7,475  |
| Hand .....        | Miller .....        | 1,418  | 1882            | 4,525                | 7,870  |
| Hanson .....      | Alexandria .....    | 486    | 1871            | 4,947                | 6,237  |
| Harding .....     | Buffalo .....       | 2,592* | 1909            | ...                  | 4,228  |
| Hughes .....      | Pierre .....        | 765    | 1880            | 3,684                | 6,271  |
| Hutchinson .....  | Olivet .....        | 817    | 1871            | 11,897               | 12,319 |

| County.  | County Seat.           | Area.  | Organ-<br>ized. | Population.<br>1900. | 1910.  |
|--|------------------------|--------|-----------------|----------------------|--------|
| Hyde .....   | Highmore .....         | 875    | 1884            | 1,492                | 3,307  |
| Jerauld .....  | Wessington Springs ... | 548    | 1883            | 2,798                | 5,120  |
| Kingsbury .....  | Desmet .....           | 834    | 1879            | 9,866                | 12,560 |
| Lake .....   | Madison .....          | 576    | 1873            | 9,137                | 10,711 |
| Lawrence .....   | Deadwood .....         | 814    | 1877            | 17,897               | 19,694 |
| Lincoln .....  | Canton .....           | 579    | 1867            | 12,161               | 12,712 |
| Lyman .....  | Tacoma .....           | 3,456  | 1893            | 2,632                | 10,848 |
| McCook .....   | Salem .....            | 575    | 1879            | 8,689                | 9,589  |
| McPherson .....  | Leola .....            | 1,146  | 1883            | 6,327                | 6,791  |
| Marshall .....   | Britton .....          | 880    | 1885            | 5,942                | 8,021  |
| Meade .....  | Sturgis .....          | 3,500  | ...             | 4,907                | 12,640 |
| Miner .....  | Howard .....           | 569    | 1880            | 5,864                | 7,661  |
| Minnehaha .....  | Sioux Falls .....      | 802    | 1868            | 23,926               | 29,631 |
| Moody .....  | Flandreau .....        | 517    | 1873            | 8,326                | 8,695  |
| Pennington .....   | Rapid City .....       | 4,300  | 1877            | 5,610                | 12,453 |
| Perkins .....  | Bison .....            | 2,808* | 1909            | ...                  | 11,348 |
| Potter .....   | Gettysburg .....       | 900    | 1883            | 2,988                | 4,466  |
| Roberts .....  | Sisseton .....         | 1,102  | 1883            | 12,216               | 14,897 |
| Sanborn .....  | Woonsocket .....       | 576    | 1883            | 4,464                | 6,607  |
| Schnassee .....  | .....                  | .....  | .....           | .....                | 292    |
| Spink .....  | Redfield .....         | 1,518  | 1879            | 9,487                | 15,981 |
| Stanley .....  | Fort Pierre .....      | 4,882  | 1889            | 1,341                | 14,975 |
| Sterling .....   | .....                  | .....  | .....           | .....                | 252    |
| Sully .....  | Onida .....            | 1,052  | 1883            | 1,715                | 2,462  |
| Tripp .....  | .....                  | 1,656* | 1909            | .....                | 8,323  |
| Turner .....   | Parker .....           | 618    | 1871            | 13,175               | 13,840 |
| Union .....  | Elkpoint .....         | 447    | 1862            | 11,153               | 10,676 |
| Walworth .....   | Bangor .....           | 745    | 1883            | 3,839                | 6,488  |
| Yankton .....  | Yankton .....          | 515    | 1862            | 12,649               | 13,135 |
| †Ziebach .....   | Dupree .....           | 1,872* | 1911            | ....                 | ....   |
| Pine Ridge Indian Reservation (boundaries<br>changed since 1900).....      |                        |        |                 |                      |        |
| ...  |                        |        | ....            | 6,827                | 6,607  |
| Rosebud Indian Reservation (boundaries<br>changed since 1900).....         |                        |        |                 |                      |        |
| ...  |                        |        | ....            | 5,201                | 3,960  |
| Crow Creek Indian Reservation in Buffalo,<br>Hughes and Hyde counties..... |                        |        |                 |                      |        |
| ...  |                        |        | ....            | 1,123                | 1,037  |
| Lower Brule Indian Reservation in Lyman<br>and Stanley counties.....       |                        |        |                 |                      |        |
| ...  |                        |        | ....            | 517                  | 485    |

\* Approximately correct.

† Created by the legislature, 1911.

### SCHOOL STATISTICS FROM THE TENTH BIENNIAL REPORT OF THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

|                                | 1909.          | 1910.          |
|--------------------------------|----------------|----------------|
| Number of school houses.....   | 4,518          | 4,701          |
| Value of houses and sites..... | \$6,935,873.56 | \$7,075,996.11 |
| Teachers employed—             |                |                |
| Male .....                     | 995            | 1,006          |
| Female .....                   | 4,779          | 5,059          |
| Total .....                    | 5,774          | 6,065          |
| School census—                 |                |                |
| Male .....                     | 81,266         | 85,679         |
| Female .....                   | 76,616         | 81,341         |
| Total .....                    | 157,882        | 167,020        |
| Enrollment below high school—  |                |                |
| Male .....                     | 59,638         | 61,084         |
| Female .....                   | 54,936         | 57,493         |
| Total .....                    | 114,574        | 118,577        |

|  |                |                |
|--|----------------|----------------|
| Enrollment in high school—                                 |                |                |
| Male .....   | 2,979          | 3,135          |
| Female .....   | 4,426          | 4,541          |
| Total .....  | 7,405          | 7,676          |
| Graduates—   |                |                |
| Eighth grade .....   | 2,871          | 3,160          |
| High school .....  | 683            | 727            |
| Total .....  | 3,554          | 3,887          |
| Indebtedness—  |                |                |
| Bonds .....  | \$2,047,403.90 | \$2,822,023.00 |
| Warrants .....   | 820,247.46     | 854,836.81     |
| Total .....  | \$2,897,651.36 | \$3,677,859.81 |
| Cash in district and county treasuries                     | 952,982.61     | 1,218,376.32   |
| Net indebtedness .....                                     | \$1,847,105.10 | \$1,356,620.13 |
| Receipts for school year—                                  |                |                |
| Balance on hand July 1, 1908.....                          | \$ 702,960.94  | \$ 847,274.28  |
| Received from apportionment.....                           | 529,391.52     | 581,256.09     |
| Received from district tax.....                            | 2,614,206.38   | 3,059,400.96   |
| Received from sale of bonds.....                           | 542,701.83     | 306,667.08     |
| Received from other sources.....                           | 208,768.67     | 268,729.79     |
| Total receipts .....                                       | \$4,598,029.34 | \$5,063,328.20 |
| Expenditures for school year—                              |                |                |
| School houses and sites.....                               | \$ 363,430.69  | \$ 416,210.45  |
| Furniture and fixtures.....                                | 99,776.94      | 119,720.44     |
| Teachers' wages .....                                      | 1,806,948.13   | 1,997,719.42   |
| Salary of school officers.....                             | 59,719.67      | 62,077.67      |
| Redemption of bonds.....                                   | 103,263.40     | 145,591.10     |
| Interest on bonds.....                                     | 94,170.81      | 97,148.40      |
| Redemption of warrants.....                                | 622,801.34     | 574,483.01     |
| Interest on warrants.....                                  | 58,306.42      | 52,177.82      |
| All other purposes.....                                    | 540,842.12     | 602,884.46     |
| Total expenditures .....                                   | \$3,749,259.52 | \$4,068,012.77 |
| Cash in hands of district treasurers at close of year..... | 848,769.82     | 995,315.43     |
| Total, including cash on hand to balance receipts .....    | \$4,598,029.34 | \$5,063,328.20 |

## RURAL SCHOOLS.

|  |              |
|--|--------------|
| New school houses built.....                                 | 283          |
| Increase in value of school property.....                    | \$342,853.33 |
| Increase in number of teachers employed.....                 | 737          |
| Increase in monthly wages of teachers—                       |              |
| Male .....   | \$4.83       |
| Female .....   | \$4.83       |
| Increase in school census .....                              | 9,634        |
| Increase in enrollment in rural schools.....                 | 4,987        |
| Increase in average daily attendance.....                    | 3,651        |
| Increase in volumes in school libraries.....                 | 60,402       |
| Increase in eighth grade graduates.....                      | 261          |
| Average length of school term in 1910, days.....             | 135          |
| Average number of days attended by each pupil enrolled, 1910 | 84           |

## INDEPENDENT DISTRICTS.

|   |              |
|---|--------------|
| New school houses built.....                  | 32           |
| Increase in value of school property.....     | \$790,465.76 |
| Increase in net indebtedness .....            | 376,594.56   |
| Increase in number of teachers employed.....  | 324          |
| Increase in monthly wages of teachers—        |              |
| Male .....                                    | \$3.73       |
| Female .....                                  | 2.91         |
| Increase in school census .....               | 4,759        |
| Increase in enrollment below high school..... | 2,783        |
| Increase in enrollment in high school.....    | 874          |

|  |       |
|--|-------|
| Increase in average daily attendance.....                | 4,018 |
| Average number of days attended by each pupil, 1910..... | 150   |

"In computing the average cost for the education of one pupil, I have omitted such items of expenditures as were paid for school-houses and sites, furniture and fixtures, bonds and interest on bonds as being expenditures for improvements of a permanent nature. Including all other expenditures I find the cost per pupil per day to be as follows:

|                             | 1905  | 1906  | 1907  | 1908  | 1909  | 1910  |
|-----------------------------|-------|-------|-------|-------|-------|-------|
|                             | Cents | Cents | Cents | Cents | Cents | Cents |
| Rural districts .....       | 21.1  | 21    | 20    | 23.4  | 25    | 27.3  |
| Independent districts ..... | 17.2  | 18    | 19.6  | 20.1  | 22    | 21.3  |

"Pupils enrolled in rural schools attended school an average of 84 days each, making the annual cost per pupil about \$22.93 for 1910. Those enrolled in independent districts were in attendance 150 days each, at a yearly cost of \$31.95 each, for the same year.

"About 67 per cent of all pupils enrolled in the public schools were enrolled in the rural districts; 33 per cent were enrolled in independent districts (5½ per cent in regular high schools and 27½ per cent in grades below the high school)."

#### POPULATION OF CITIES, TOWNS, AND VILLAGES.

| City, Town, or Village. | County.         | 1910.  | 1905. | 1900. | 1890. |
|-------------------------|-----------------|--------|-------|-------|-------|
| Aberdeen city.....      | Brown .....     | 10,753 | 4,087 | 4,087 | 3,182 |
| Akaska town.....        | Walworth .....  | 114    | ....  | ....  | ....  |
| Albee village.....      | Grant .....     | 131    | 89    | ....  | ....  |
| Alcester village.....   | Union .....     | 409    | 366   | 381   | ....  |
| Alexandria city.....    | Hanson .....    | 955    | 938   | 680   | ....  |
| Alpena village.....     | Jerauld .....   | 417    | 341   | 153   | ....  |
| Altamont town.....      | Deuel .....     | 110    | ....  | ....  | ....  |
| Andover village.....    | Day .....       | 446    | 307   | 225   | 232   |
| Ardmore town.....       | Fall River..... | 146    | 28    | ....  | ....  |
| Arlington town.....     | Kingsbury ..... | 791    | 788   | 314   | 270   |
| Armour city.....        | Douglas .....   | 968    | 1,125 | 912   | 482   |
| Artas village.....      | Campbell .....  | ....   | 42    | ....  | ....  |
| Artesian village.....   | Sanborn .....   | 533    | 444   | 339   | 256   |
| Ashton city.....        | Spink .....     | 430    | 331   | 274   | 359   |
| Aurora village.....     | Brookings ..... | 236    | 213   | ....  | ....  |
| Avon city.....          | Bonhomme .....  | 451    | 360   | ....  | ....  |
| Baltic town.....        | Minnehaha ..... | 278    | ....  | ....  | ....  |
| Bangor village.....     | Walworth .....  | ....   | 19    | ....  | ....  |
| Belle Fourche city..... | Putte .....     | 1,352  | 1,023 | 451   | ....  |
| Beresford city.....     | { Lincoln ..... | 1,117  | 1,192 | 1,046 | ....  |
|                         | { Union .....   |        |       |       | ....  |
| Big Stone city.....     | Grant .....     | 551    | 532   | 590   | 471   |
| Blunt village .....     | Hughes .....    | 566    | 214   | 246   | 353   |
| Bonesteel city.....     | Gregory .....   | 563    | 754   | ....  | ....  |
| Bowdle village.....     | Edmunds .....   | 671    | 481   | 622   | ....  |
| Bradley town.....       | Clark .....     | 351    | 337   | ....  | ....  |
| Brandt town.....        | Deuel .....     | 158    | 132   | ....  | ....  |
| Bridgewater city.....   | McCook .....    | 934    | 822   | 691   | 410   |
| Bristol village.....    | Day .....       | 444    | 488   | 282   | 199   |
| Britton city.....       | Marshall .....  | 901    | 804   | 519   | 514   |
| Brookings city.....     | Brookings ..... | 2,971  | 3,265 | 2,346 | 1,518 |
| Bruce town.....         | Brookings ..... | 262    | 191   | ....  | ....  |
| Bryant city .....       | Hamlin .....    | 645    | 750   | 405   | 172   |
| Buffalo Gap town.....   | Custer .....    | 280    | ....  | ....  | ....  |
| Burke town.....         | Gregory .....   | 311    | ....  | ....  | ....  |
| Camp Crook village..... | Harding .....   | 120    | ....  | ....  | ....  |
| Canistota town.....     | McCook .....    | 409    | 365   | ....  | ....  |
| Canova village.....     | Miner .....     | 311    | 233   | 169   | ....  |
| Canton city.....        | Lincoln .....   | 2,103  | 2,279 | 1,943 | 1,101 |

| City, Town or Village.  | County.          | 1910. | 1905. | 1900. | 1890. |
|-------------------------|------------------|-------|-------|-------|-------|
| Carthage village.....   | Miner .....      | 554   | 370   | 265   | 200   |
| Castlewood town.....    | Hamlin .....     | 594   | 611   | 430   | ....  |
| Cavour town.....        | Beadle .....     | 408   | 145   | 98    | ....  |
| Centerville city.....   | Turner .....     | 971   | 922   | 871   | 723   |
| Central City town.....  | Lawrence .....   | 296   | 684   | ....  | ....  |
| Chamberlain city.....   | Brule .....      | 1,275 | 1,007 | 874   | 939   |
| Chancellor village..... | Turner .....     | 160   | 131   | ....  | ....  |
| Claremont village.....  | Brown .....      | 294   | 144   | 120   | 121   |
| Clark city.....         | Clark .....      | 1,220 | 985   | 684   | 592   |
| Clear Lake city.....    | Deuel .....      | 704   | 630   | 491   | 147   |
| Colman village.....     | Moody .....      | 362   | 366   | 213   | ....  |
| Colton town.....        | Minnehaha .....  | 407   | ....  | ....  | ....  |
| Columbia city.....      | Brown .....      | 235   | 142   | 143   | 400   |
| Conde city.....         | Spink .....      | 592   | 282   | 195   | ....  |
| Corsica town.....       | Douglas .....    | 286   | ....  | ....  | ....  |
| Cresbard town.....      | Faulk .....      | 320   | ....  | ....  | ....  |
| Custer city .....       | Custer .....     | 602   | 596   | 599   | 790   |
| Cyanide village.....    | Lawrence .....   | ....  | 146   | ....  | ....  |
| Dallas city.....        | Gregory .....    | 1,277 | ....  | ....  | ....  |
| Davis village.....      | Turner .....     | 164   | 200   | 151   | ....  |
| De Smet city.....       | Kingsbury .....  | 1,063 | 985   | 749   | 541   |
| Deadwood city.....      | Lawrence .....   | 3,653 | 4,364 | 3,498 | 2,366 |
| Dell Rapids city.....   | Minnehaha .....  | 1,367 | 1,339 | 1,255 | 993   |
| Delmont town.....       | Douglas .....    | 369   | 400   | ....  | ....  |
| Doland city.....        | Spink .....      | 581   | 350   | 235   | 216   |
| Draper town.....        | Lyman .....      | 211   | ....  | ....  | ....  |
| East Sioux Falls city.. | Minnehaha .....  | 268   | 229   | 232   | 577   |
| Edgemont city.....      | Fall River.....  | 816   | 490   | 479   | ....  |
| Effington town.....     | Roberts .....    | 46    | 33    | 36    | ....  |
| Egan village.....       | Moody .....      | 516   | 540   | 503   | 399   |
| Elk Point city.....     | Union .....      | 1,200 | 1,282 | 1,081 | ....  |
| Elkton village.....     | Brookings .....  | 742   | 532   | 578   | 331   |
| Emery village.....      | Hanson .....     | 446   | 415   | 247   | ....  |
| Englewood village.....  | Lawrence .....   | ....  | 91    | ....  | ....  |
| Erwin town.....         | Kingsbury .....  | 230   | 178   | 131   | ....  |
| Estelline town.....     | Hamlin .....     | 509   | 471   | 357   | 210   |
| Ethan town.....         | Davison .....    | 312   | 260   | ....  | ....  |
| Eureka city.....        | McPherson .....  | 961   | 693   | 961   | 552   |
| Evarts town.....        | Walworth .....   | ....  | 265   | ....  | ....  |
| Fairfax town.....       | Gregory .....    | 500   | 386   | ....  | ....  |
| Fairview town.....      | Lincoln .....    | 107   | 97    | ....  | ....  |
| Faulkton city.....      | Faulk .....      | 802   | 655   | 539   | 462   |
| Flandreau city.....     | Moody .....      | 1,484 | 1,455 | 1,244 | 569   |
| Florence town.....      | Codington .....  | 270   | ....  | ....  | ....  |
| Fort Meade .....        | Meade .....      | ....  | 162   | ....  | ....  |
| Fort Pierre city.....   | Stanley .....    | 792   | 505   | 395   | 360   |
| Frankfort city.....     | Spink .....      | 408   | 313   | 198   | 186   |
| Frederick village.....  | Brown .....      | 433   | 304   | 251   | 281   |
| Freeman town.....       | Hutchinson ..... | 615   | 601   | 525   | ....  |
| Galeana town.....       | Lawrence .....   | 109   | 129   | ....  | ....  |
| Gann Valley village..   | Buffalo .....    | ....  | 66    | ....  | ....  |
| Garretson city.....     | Minnehaha .....  | 668   | 640   | 500   | 341   |
| Gary town.....          | Deuel .....      | 477   | 502   | 345   | 277   |
| Gayville town.....      | Yankton .....    | 257   | 291   | ....  | ....  |
| Geddes city.....        | Charles Mix..... | 701   | 616   | ....  | ....  |
| Gettysburg city.....    | Potter .....     | 936   | ....  | ....  | ....  |
| Glenham town.....       | Walworth .....   | 182   | ....  | ....  | ....  |
| Goodwin town.....       | Deuel .....      | 145   | 132   | ....  | ....  |
| Greenmount village....  | Lawrence .....   | ....  | 262   | ....  | ....  |
| Gregory city.....       | Gregory .....    | 1,142 | ....  | ....  | ....  |
| Groton city.....        | Brown .....      | 1,108 | 1,064 | 700   | 684   |
| Harrisburg town.....    | Lincoln .....    | 164   | 145   | ....  | ....  |
| Harrold village.....    | Hughes .....     | 230   | ....  | 57    | ....  |
| Hartford village.....   | Minnehaha .....  | 648   | 586   | 423   | ....  |
| Hazel town.....         | Hamlin .....     | 229   | 210   | ....  | ....  |
| Hecla village.....      | Brown .....      | 462   | 271   | 160   | ....  |
| Henry village.....      | Codington .....  | 441   | 358   | 191   | 194   |
| Hermosa town.....       | Custer .....     | 114   | ....  | 77    | 172   |



|                          |             |       |       |       |       |
|--------------------------|-------------|-------|-------|-------|-------|
| Herreid town.....        | Campbell    | 414   | 224   | ....  | ....  |
| Herrick town.....        | Gregory     | 412   | 206   | ....  | ....  |
| Hetland village.....     | Kingsbury   | 223   | 241   | 162   | ....  |
| Higmore city.....        | Hyde        | 1,084 | 507   | 376   | 435   |
| Hill City town.....      | Pennington  | 271   | ....  | ....  | ....  |
| Hitchcock town.....      | Beadle      | 259   | 196   | 135   | ....  |
| Hosmer village.....      | Edmunds     | 217   | 163   | ....  | ....  |
| Hot Springs city.....    | Fall River  | 2,140 | 2,006 | 1,319 | 1,423 |
| Hoven town.....          | Potter      | 209   | ....  | ....  | ....  |
| Howard city.....         | Miner       | 1,026 | 705   | 588   | ....  |
| Hudson town.....         | Lincoln     | 404   | 439   | 400   | 202   |
| Hurley city.....         | Turner      | 506   | 474   | 444   | 344   |
| Huron city.....          | Beadle      | 5,791 | 3,783 | 2,793 | 3,038 |
| Ipswich city.....        | Edmunds     | 810   | 396   | 397   | 539   |
| Irene village.....       | { Clay      | 263   | 364   | 229   | ....  |
|                          | { Turner    |       |       |       |       |
|                          | { Yankton   |       |       |       |       |
| Iroquois town.....       | { Beadle    | 578   | 411   | 276   | 183   |
|                          | { Kingsbury |       |       |       |       |
| Java town.....           | Walworth    | 473   | 277   | ....  | ....  |
| Jefferson village.....   | Union       | 407   | 412   | 364   | 229   |
| Kadoka town.....         | Stanley     | 222   | ....  | ....  | ....  |
| Kennebec town.....       | Lyman       | 252   | ....  | ....  | ....  |
| Kimball city.....        | Brule       | 713   | 462   | 453   | 593   |
| Lake Andes town.....     | Charles Mix | 920   | 401   | ....  | ....  |
| Lake Norden town.....    | Hamlin      | 202   | ....  | ....  | ....  |
| Lake Preston city.....   | Kingsbury   | 1,007 | 930   | 706   | 337   |
| Lane village.....        | Jerauld     | 294   | ....  | ....  | ....  |
| Langford village.....    | Marshall    | 463   | 349   | 239   | 198   |
| Le Beau town.....        | Walworth    | 210   | ....  | ....  | ....  |
| Lead city.....           | Lawrence    | 8,392 | 8,052 | 6,210 | 2,581 |
| Lemmon city.....         | Perkins     | 1,255 | ....  | ....  | ....  |
| Lennox city.....         | Lincoln     | 745   | 744   | 591   | 363   |
| Leola town.....          | McPherson   | 484   | ....  | ....  | ....  |
| Lesterville village..... | Yankton     | 279   | 255   | 244   | ....  |
| Letcher village.....     | Sanborn     | 402   | 329   | 130   | ....  |
| Lily village.....        | Day         | 175   | 157   | ....  | ....  |
| Lowry town.....          | Walworth    | 90    | ....  | ....  | ....  |
| McIntosh town.....       | Corson      | 409   | ....  | ....  | ....  |
| Madison city.....        | Lake        | 3,137 | 2,914 | 2,550 | 1,736 |
| Marietta village.....    | Fall River  | ....  | 19    | ....  | ....  |
| Marion village.....      | Turner      | 462   | 455   | 338   | ....  |
| Mellette city.....       | Spink       | 472   | 402   | 354   | 241   |
| Menno town.....          | Hutchinson  | 621   | 581   | 556   | 413   |
| Midland town.....        | Stanley     | 210   | ....  | ....  | ....  |
| Millbank city.....       | Grant       | 2,015 | 1,718 | 1,426 | 1,207 |
| Miller city.....         | Hand        | 1,202 | 702   | 544   | 536   |
| Mitchell city.....       | Davison     | 6,515 | 5,719 | 4,055 | 2,217 |
| Mobridge town.....       | Walworth    | 1,200 | 208   | ....  | ....  |
| Monroe village.....      | Turner      | 169   | ....  | ....  | ....  |
| Montrose town.....       | McCook      | 442   | 471   | 375   | ....  |
| Morristown town.....     | Corson      | 222   | ....  | ....  | ....  |
| Mound City village.....  | Campbell    | ....  | 99    | ....  | ....  |
| Mount Vernon city...     | Davison     | 614   | 412   | 222   | 127   |
| Murdo city.....          | Lyman       | 372   | ....  | ....  | ....  |
| Nemo village.....        | Lawrence    | ....  | 261   | ....  | ....  |
| Northville city.....     | Spink       | 392   | 304   | 243   | ....  |
| Oacoma town.....         | Lyman       | 235   | ....  | ....  | ....  |
| Oelrichs town.....       | Fall River  | 150   | 253   | ....  | ....  |
| Oldham village.....      | Kingsbury   | 355   | 393   | 222   | ....  |
| Olivet town.....         | Hutchinson  | 133   | 161   | 156   | 105   |
| Onida village.....       | Sully       | 319   | ....  | ....  | ....  |
| Ortley town.....         | Roberts     | 192   | ....  | ....  | ....  |
| Parker city.....         | Turner      | 1,224 | 1,227 | 893   | 728   |
| Parkston city.....       | Hutchinson  | 970   | 862   | 596   | 262   |
| Peever village.....      | Roberts     | ....  | 137   | ....  | ....  |
| Philip city.....         | Stanley     | 578   | ....  | ....  | ....  |
| Pierpont village.....    | Day         | 314   | 308   | ....  | ....  |
| Pierre city.....         | Hughes      | 3,656 | 2,794 | 2,306 | 3,235 |
| Plankinton city.....     | Aurora      | 712   | 606   | 465   | 604   |

| City, Town or Village.       | County.          | 1910.  | 1905.  | 1900.  | 1890.  |
|------------------------------|------------------|--------|--------|--------|--------|
| Platte city.....             | Charles Mix..... | 1,115  | 700    | ....   | ....   |
| Pluma village.....           | Lawrence.....    | ....   | 105    | ....   | ....   |
| Pollock town.....            | Campbell.....    | 304    | 195    | ....   | ....   |
| Presho city.....             | Lyman.....       | 635    | ....   | ....   | ....   |
| Preston village.....         | Lawrence.....    | ....   | 50     | ....   | ....   |
| Pukwana town.....            | Brule.....       | 164    | 126    | ....   | ....   |
| Ramona town.....             | Lake.....        | 312    | 299    | 172    | ....   |
| Rapid City.....              | Pennington.....  | 3,854  | 1,797  | 1,342  | 2,128  |
| Raymond village.....         | Clark.....       | 241    | ....   | ....   | ....   |
| Redfield city.....           | Spink.....       | 3,060  | 1,591  | 1,015  | 796    |
| Reville village.....         | Grant.....       | 332    | 254    | 187    | ....   |
| Rockham village.....         | Faulk.....       | 286    | ....   | ....   | ....   |
| Roscoe village.....          | Edmunds.....     | 357    | 134    | 92     | 114    |
| Roswell village.....         | Miner.....       | 167    | 94     | 50     | ....   |
| Roubaix village.....         | Lawrence.....    | ....   | 457    | ....   | ....   |
| Rumford village.....         | Fall River.....  | ....   | 5      | ....   | ....   |
| St. Lawrence town.....       | Hand.....        | 305    | 149    | 115    | 320    |
| Salem city.....              | McCook.....      | 1,097  | 810    | 741    | 429    |
| Scotland city.....           | Bonhomme.....    | 1,102  | 1,120  | 964    | 1,083  |
| Selby city.....              | Walworth.....    | 558    | 349    | ....   | ....   |
| Seneca village.....          | Faulk.....       | 321    | ....   | ....   | ....   |
| Sherman village.....         | Minnehaha.....   | 138    | ....   | ....   | ....   |
| Sioux Falls city.....        | Minnehaha.....   | 14,094 | 12,283 | 10,266 | 10,177 |
| Sisseton city.....           | Roberts.....     | 1,397  | 1,375  | 928    | ....   |
| South Shore town.....        | Codington.....   | 335    | 270    | ....   | ....   |
| South Sioux Falls town.....  | Minnehaha.....   | 132    | 103    | 114    | ....   |
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## GLOSSARY.

If you do not find the definition or explanation you seek in this list, consult the reference given in the Index.

**ABSTRACT OF TITLE.** An outline history of the title or ownership of land, giving each transfer, mortgage, lien or other charge affecting the ownership.

**ACKNOWLEDGMENT.** The act by which one who has signed a deed or other legal paper declares before a justice, judge, or notary public that it is his free act and deed. The certificate of the officer is also called an acknowledgment.

**ACTION.** The proceeding in court to enforce a right. Also called a suit. A criminal action is one prosecuted by the state against a person charged with a public offense, for the punishment thereof. All others are civil actions.

**ADMINISTRATOR.** A man appointed by a county judge to take charge of the property or estate of a person who has died without making a will. If a woman is appointed she is called an *administratrix*.

**AFFIDAVIT.** A written declaration under oath, made without notice to the adverse party. See "deposition."

**ASSETS.** Property available for the payment of debts.

**ATTACHMENTS.** The seizure of property by a legal process for the purpose of having it disposed of according to law.

**BAIL.** The security given for the appearance of a prisoner before the court. The bail may be cash or a bond signed by some person who is competent to pay the sum named if the prisoner does not appear at the proper time. Where a prisoner's own bond is accepted it is called a *recognizance*.

**BAILMENT.** The holding by one person of another person's property. The person holding the property is called the bailee. The owner is the bailor.

**CERTIORARI.** See "writ."

**CHATTEL.** An article of personal property.

**CHATTEL MORTGAGE.** A mortgage in which horses, furniture, or other chattels are offered as security for the payment of a debt.

**CODE.** A body of laws on a given subject. In 1903 the state legislature adopted what are called the "Revised Codes of 1903." These include a political code, a civil code, a code of civil procedure, a probate code, a justice code, a penal code, and a code of criminal procedure.

**COMMON LAW.** The old laws of England developed by usage. They are in force in South Dakota in those cases not provided for by legislative enactment.

**CONTRACT.** A contract is an agreement between two or more persons, based upon consideration, to do or not to do some particular thing. To be legal and binding:

1. There must be an offer by one party and an acceptance of the offer by another.

2. The parties to the contract must be of lawful age and sound mind, excepting when it is a contract for necessities.

3. There must be consideration. This may be money, goods, or a valuable act performed, or a promise of it. If a contract without consideration has been performed it is legal, but a gratuitous promise cannot be enforced. A past consideration will not support a promise.

4. The thing performed must not be unlawful.

5. An oral contract is just as binding as a written contract with a few exceptions. The following contracts must be in writing to be enforced in South Dakota:

- a. For the sale of land or for its rental for more than one year.

- b. For the sale of personal property to the value of \$50.00 or more, unless there be a part payment or the delivery of a part of the goods.

- c. Contracts not to be performed within a year or extending over more than a year.

- d. An agreement to pay the debt or default of another.

- e. An agreement made upon consideration of marriage, other than a mutual promise to marry.

**CORPORATION.** "A corporation is a creature of the law, having certain powers and duties of a natural person." "Corporations are either public or private." "Public corporations are formed or organized for the government of a portion of the state. Such corporations are regulated by the political code, or by local statute. Private corporations are formed for the purpose of religion, benevolence, education, art, literature, or profit; and all corporations not public are private. The instrument by which a private corporation is formed is called 'articles of incorporation,' or 'certificate of incorporation.' And one-third of the officers of such corporations shall be residents of this state."—Civil Code.

**DEED, WARRANTY.** A written contract whereby one person conveys his right and title to land to another person and guarantees his ownership. A quitclaim deed simply conveys whatever title is possessed but does not warrant the ownership.

**DEFENDANT.** The party against whom an action is brought.

**DELINQUENT.** (a) A person under eighteen years of age who is guilty of immorality, truancy from school, the use of cigarettes, or other wrong doing. Such person is subject to commitment to the state training school. (b) Taxes or debts due and unpaid are said to be delinquent.

**DEPOSITION.** A written declaration under oath, made after notice has been sent to the adverse party for the purpose of enabling him to attend and cross-examine; or made upon written questions. When it is impossible for a witness in a case to attend court and testify, his deposition may be taken and presented as evidence.

**EASEMENT.** Certain rights in land are called easements. Among them are the right of pasturage, of fishing, of hunting, or travel, of water, of wood or minerals, of conducting lawful sports, of burial. (If a person has the right to be buried on a certain piece of land this right is called an easement.)

**EMINENT DOMAIN.** The right of the government to take private property for public uses. This right may be exercised by the United States, the state, the county, the city, the township, the town, and the school district. The state permits railroads, and telegraph and telephone companies to exercise the right of eminent domain to a certain extent. All private property thus taken must be paid for. If necessary a board of appraisers is appointed to determine the value of the property.

**EXECUTION.** a. The legal taking of a human life; in South Dakota by hanging. It is called capital punishment and may be inflicted only for treason or murder in the first degree (deliberately planned). Many states have abolished capital punishment, as it is not a preventive of crimes of that kind.

b. The legal process of taking property for the payment of a debt. There are three kinds of executions: (1) against the property of one who owes debts, has been sued and judgment has been rendered against him by the court. (See Exemptions in the Index.) (2) Against the person in the form of an arrest if he is about to leave the state without paying his debts, or if property is being concealed or shipped away to prevent its being seized for debts. (3) For the delivery of the possession of property. Replevin or "claim and delivery" is a process whereby the sheriff seizes property rightfully belonging to another person. In no case can a person compel another to yield possession of property, even though wrongfully held. A peace officer, with proper authority from a judge or justice of the peace, alone can lawfully do this. This is also true of selling mortgaged property.

**EXECUTOR** (eks-e'-cu-ter). A person named in a will to carry out its provisions.

**EXEQUATUR** (eks-e-kwā'tur). A writ issued by the federal secretary of state to a consul from a foreign country authorizing him to exercise his powers in the place to which he is assigned.

**FELONY.** A crime punishable by death or penitentiary imprisonment. A lesser crime is called a misdemeanor.

**FRANCHISE.** A privilege granted an individual or corporation, such as a right to conduct an electric lighting plant in a city. The term is also applied to the right to vote.

**FREE COINAGE.** The right to present a metal at a mint and have it coined into money. We have the "free coinage" of gold but not of



any other metal. Whether the government makes charge for the coinage (the United States does not) has nothing to do with the use of the term.

**GERRYMANDER.** A political device in the districting of a state to have the boundaries so arranged that large numbers of the opposite party may be in a few districts so that in the majority of the districts the party which does the gerrymandering may elect representatives.

**INDETERMINATE SENTENCE.** Certain criminals may be sentenced to the penitentiary for an indefinite period. When the governor of the state thinks best the prisoner is found employment and released on parole, that is, on good behavior, for a certain length of time, usually six months, after which he may be given freedom.

**INFANT.** A person under twenty-one years of age is called, in legal terms, an infant.

**INJUNCTION.** See "writ."

**INTEREST.** Money paid for the use of money is called interest. *Legal interest* is the rate which must be paid when there is no rate specified or upon a warrant, note, draft or other debt that is due and unpaid. The legal rate in South Dakota is seven per cent. It is unlawful to charge more than twelve per cent. An interest charge in excess of twelve per cent is called *usury*. No interest can be collected on a note specifying a rate higher than twelve per cent.

**LEGACY.** A gift by will.

**LIEN** (leen). A claim which a person has upon the property of another because of a debt.

**MAJORITY.** (a) Twenty-one years of age. (b) Over one-half the total.

**MANDAMUS.** See "writ."

**MARQUE, LETTERS OF.** A "mark" or "march" meant the boundary; a letter of marque authorized the person receiving it to cross the boundary and seize property of the enemy. Private ships given authority of this kind are called privateers. Most nations no longer grant "letters of marque and reprisal."

**MINOR.** A person under twenty-one years of age.

**MISDEMEANOR.** See "felony."

**MORTGAGE.** A written grant or conveyance of property to a creditor for the security of a debt, to become void when the debt is paid. The one who gives the mortgage is called the mortgagor; the one who receives it is the mortgagee. The ownership and possession of the property remain with the mortgagor. The legal process by which the ownership and possession pass to the mortgagee is called *foreclosure*. *Redemption* is the process by which the mortgagor may again recover the property he lost through foreclosure.

**NOTARY PUBLIC.** A person appointed by the governor for four years (renewable) and given the power to administer oaths, acknowledgments, affidavits, and depositions anywhere within the state.

**ORDINANCE.** A law for the government of a city or town passed by the authorities of the city or town.

**PASSPORT.** A document issued by the federal secretary of state to a citizen certifying that he is a citizen and entitled to the protection and safety accorded such citizens when traveling in a foreign country. In order to travel in Russia and in many other countries one must have a passport from his home country.

**PENAL** (pē'nal). Pertaining to punishment, more particularly to the penitentiary.

**PERJURY.** A willful falsehood made under oath or affirmation. Perjury is a penitentiary offense.

**PERSONAL PROPERTY.** See "real property."

**PLAINTIFF.** The party who brings an action at law against another. If a criminal action the government is always the plaintiff.

**PLURALITY.** In an election, the highest number of votes. Suppose A receives 1,000 votes; B, 1,200 votes; C, 900 votes. B will then have a plurality of the votes but not a majority (over one-half the total number). For most offices the one receiving a plurality of votes is elected, even though he may not have a majority.

**POWER OF ATTORNEY.** By an attorney we usually mean a lawyer who has been licensed to practice in the courts. In this case it means a writ which authorizes one person to sign another person's name. A power of attorney must be acknowledged before a notary public, justice, or judge. An infant cannot give a power of attorney, though he may receive one.

**PROHIBITION, WRIT OF.** See "writ."

**QUASH.** To set aside or make void.

**QUO WARRANTO.** See "writ."

**REAL ESTATE.** By real estate or real property is meant that property which is fixed and immovable, such as land and what is erected or growing on it or found beneath it. Other property is called personal. Some things which are movable are real property, such as fences. A house erected on rented land and built with the intention of moving it is personal property. Most growing crops on rented land are personal property (called *emblements*).

**REQUISITION.** (a) A formal demand by the ruler of a country upon the ruler of another country (or the governor of one state upon the governor of another state) for the surrender of a person who is charged with a crime. The response to a requisition is called extradition. (b) A demand made by a person or officer upon some governmental authority for supplies or the payment of a debt.

**SMUGGLING.** Bringing goods into a country without paying the required duties, or import taxes.

**STATUTE.** A law enacted by the state legislature or by congress.

**STATUTE OF LIMITATIONS.** A law requiring that an action for debt must be commenced within a certain time or the debt cannot afterwards be legally collected. On open accounts, as with a store, the time in South Dakota is six years from the date of the last account; on notes it is six years from the time the note is due; a judgment for a debt must be collected within ten years.

**SUBPOENA.** A subpoena (Lat. *sub*, under+*poena*, punishment) is a writ summoning a witness to court.

**SUFFRAGE.** The right to vote.

**SUIT.** A proceeding at law. An action.

**TRIAL.** A judicial examination of the issues between parties, whether issues of law or of fact.

**VENIRE** (ve-nī're). A venire (meaning "to go") is a writ summoning a juror to court.

**VENUE.** (a) The place where an action is tried. If the judge is related to a party to a suit a change of venue may be demanded. (b) The heading of legal documents showing the place,—the state and county.

**VOID.** Null, of no effect. A contract to do an unlawful act is void.

**VOIDABLE.** Capable of being made void. Most contracts made by a minor are voidable by the minor.

**WATERED STOCK.** Stock, or shares in a corporation, which do not represent actual investment. If a factory costs ten thousand dollars and shares to the value of twenty thousand dollars are issued, it is plain that half of the stock is a make believe investment, or "water." Such proceedings are unlawful.

**WILL.** A written instrument by which a person makes a disposition of his property to take effect after his death.

**WRIT.** Special civil proceedings are provided for by the issuance of certain writs by the state supreme court or a circuit court.

A writ of *mandamus* (*mandare*—to command) summons a person to court, usually an officer, to show why he does not to do some specified thing requested or required of him. After an investigation the judge decides whether he must do it. A county treasurer may refuse to pay a warrant issued by the county auditor if he thinks the claim is unlawful. A writ of *mandamus* may be issued by the judge commanding him to show why he does not pay the warrant. The judge then decides whether it shall be paid. A writ of *prohibition* is the counter-part of a writ of *mandamus*, stopping the performance of an act believed to be unlawful. An *injunction* is a form of a writ of prohibition (though sometimes it commands performance). The state supreme court or a circuit court may issue any of these writs. In case a court or board has exceeded its authority, a higher court may issue a writ of *certiorari* (ser-shi-o-rā'ri) whereby the case or proceedings are reviewed and corrected. A writ of *quo warranto*, mentioned in the constitution, was formerly issued to determine "by what right" a person occupies an office. It is rarely used now, however, but any such matter is settled by a civil action.

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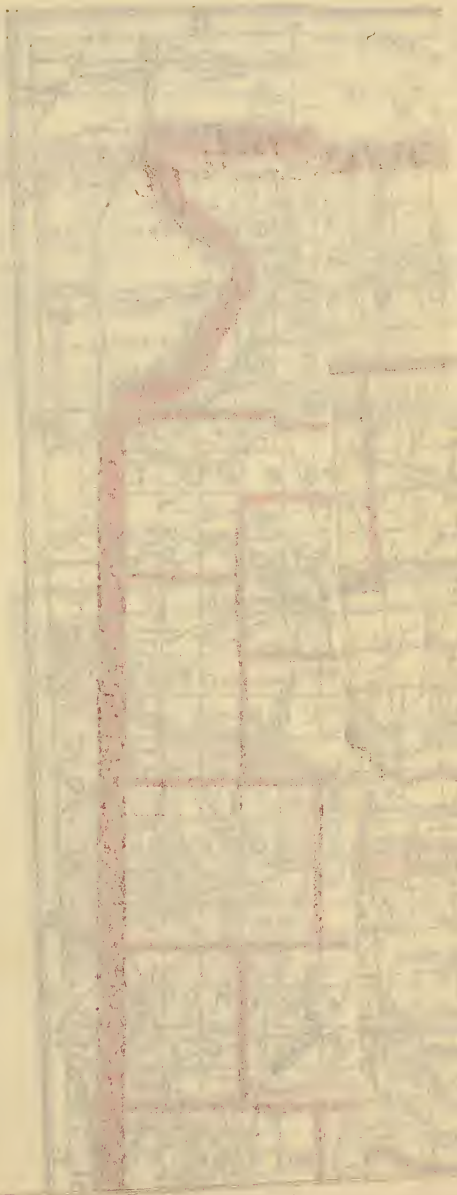
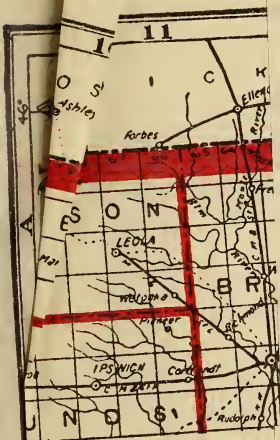
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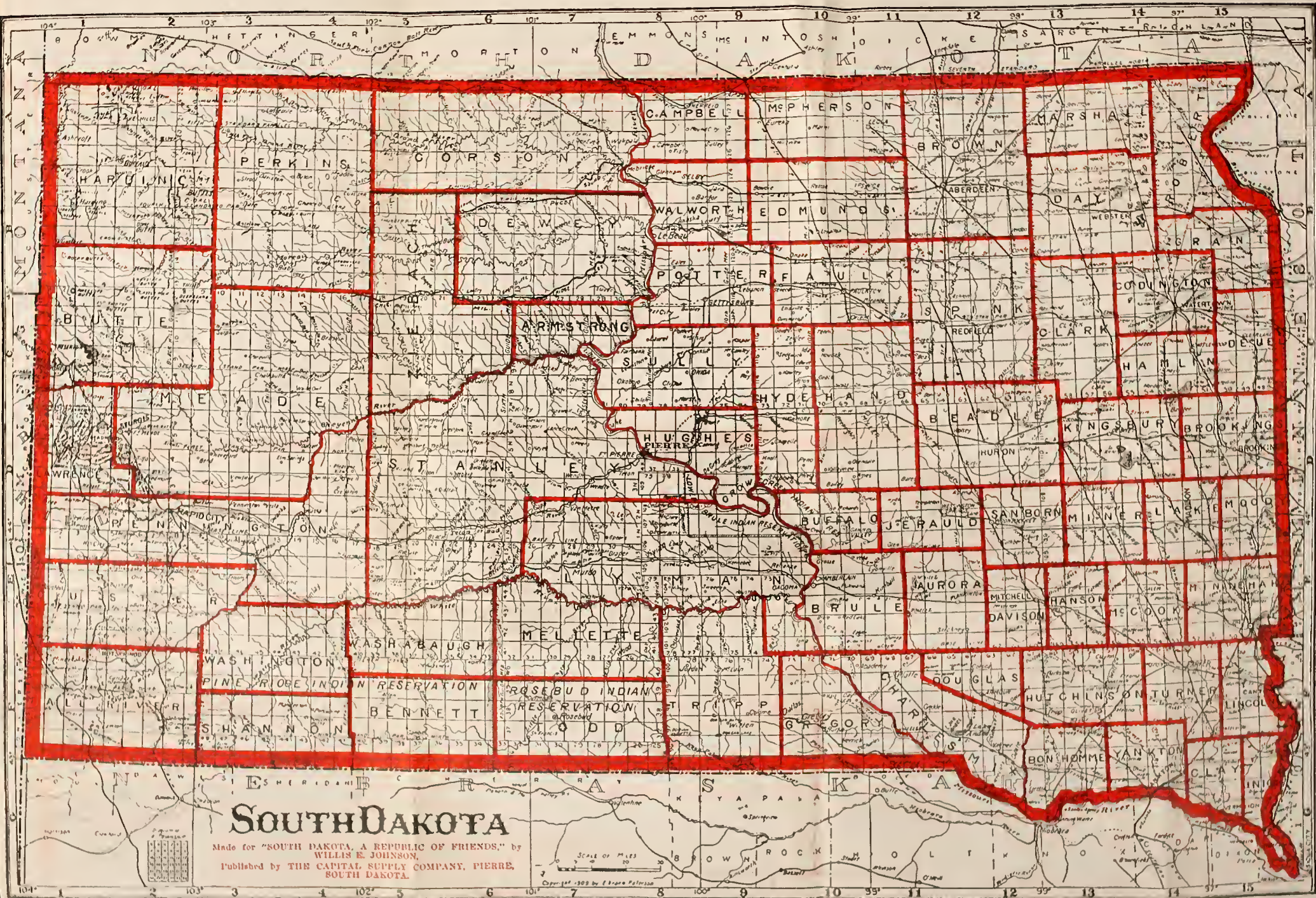
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